

# Draft for Review – 5/30/08

## TITLE 23. WATERS DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS CHAPTER 26. ~~CLASSIFICATION OF WASTEWATER TREATMENT PLANTS~~ CLASSIFICATION, AND OPERATOR CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION

### Article 1. General Provisions

#### § 3670. Purpose.

The primary purpose of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program is to protect public health and the environment by providing for the effective operation of wastewater ~~and water recycling~~ treatment plants, including water recycling treatment plants, through the certification of wastewater treatment plant operators and the registration of contract operators.

Authority: Section 1058, Water Code.

Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

#### § 3670.1. Certification Requirements for ~~Operation of~~ Operating Wastewater Treatment Plants.

(a) Except as provided in subdivision (b), ~~No~~ no person shall operate a wastewater treatment plant ~~within the meaning of these regulations unless that person has been certified by the division as a wastewater treatment plant operator or operator in training without a valid, unexpired, State Board-issued operator or operator-in-training certificate at a grade level appropriate for the class of plant being operated as set forth in sections 3680 and 3680.1.~~

(b) A person certified by the California Department of Public Health as a water treatment plant operator may operate a water recycling treatment plant at a grade level appropriate for the class of plant being operated as set forth in sections 3680 and 3680.1.

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(1) For the purpose of this subdivision, a water treatment plant operator certificate is equivalent to a wastewater treatment plant operator certificate as follows:

### Certificate Requirements for Water Recycling Treatment Plants

<u>Plant Classification</u>	<u>Water Treatment Plant Operator Certificate</u>	<u>Wastewater Treatment Plant Operator Certificate</u>
<u>I</u>	<u>T1</u>	<u>Grade I</u>
<u>II</u>	<u>T2</u>	<u>Grade II</u>
<u>III</u>	<u>T3</u>	<u>Grade III</u>
<u>IV</u>	<u>T4</u>	<u>Grade IV</u>
<u>V</u>	<u>T5</u>	<u>Grade V</u>

(2) The State Board may prohibit the use of a certificate issued by the California Department of Public Health if the water treatment plant operator has committed or commits any act in violation of this chapter.

(c) Any person who operates a wastewater treatment plant without a valid, unexpired certificate as required by subdivisions (a) and (b) is subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to sections 3710 and 3719.12.

(d) Any person who owns or operates a wastewater treatment plant that employs, or allows the employment of, any person performing the duties of an operator who does not hold a valid, unexpired certificate as required by subdivisions (a) and (b) is subject to administrative civil liability as set forth in section 3709(b)(2) and disciplinary action pursuant to sections 3710 and 3719.12.

Authority: Sections 1058 and 13627, Water Code.

Reference: Chapter 9 and Sections 13625, 13627, 13627.1, and 13627.3, Water Code.

### ~~§ 3670.2. Certification Requirement for Operation of Water Recycling Treatment Plants.~~

~~(a) Except as provided in subsection (b) below, no person shall operate a water recycling treatment plant unless that person has been certified by the division as a wastewater treatment plant operator or operator-in-training at a grade appropriate for the class of plant being operated.~~

~~(b) A person certified by the Department of Health Services as a water treatment plant operator may operate a water recycling treatment plant at a grade appropriate for the class of plant operated.~~

~~(c) The State Board may refuse to approve use of a certificate issued by the Department of Health Services or suspend or revoke its approval of the use of the certificate if the operator commits any of the prohibited acts described in Article 7~~

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~~(commencing with section 3710) of Chapter 26 of Division 3 of the California Code of Regulations.~~

Authority: ~~Section 1058, Water Code.~~

Reference: ~~Chapter 9 and Section 13625, Water Code.~~

## § 3671. Definitions.

The following definitions shall apply to this chapter:

~~(a) “Activated sludge treatment” means a wastewater treatment process in which predominantly biodegradeable~~biodegradable ~~pollutants in wastewater are adsorbed and/or absorbed by a suspended mass of living aerobic organisms called “activated sludge.” The suspended mass is subsequently separated from the treated wastewater by a sedimentation process either for further use in the process or for disposal.~~

~~(b) “Agency” or “municipality” means any government agency created by federal law or any city, town, county, district, or other government created by or pursuant to state law which owns or operates a wastewater treatment plant. “Agency” also includes any privately-owned organization which owns or operates a wastewater treatment plant regulated by the Public Utilities Commission pursuant to Sections 216 and 230.6 of, and Chapter 4 (commencing with Section 701) of Part 1 of division 1 of the Public Utilities Code.~~

~~(c) “Appellant” means a person who appeals a decision made by the Office of Operator Certification, Office of Enforcement, or division Chief regarding: 1) denial of an application; for an operator or operator-in-training certificate or the renewal or reinstatement of an operator or operator-in-training certificate; 2) denial of an application for a contract operator registration or a contract operator credential or the renewal of a contract operator registration or a contract operator credential; 3) denial of an application for an exemption or the renewal of an exemption, or the revocation of an exemption for a Class I wastewater treatment plant; or 4) the results of an examination; or disciplinary action taken.~~

~~(d) “Applicant” means: a person who files an application for an examination, certification, renewal, or reinstatement as a wastewater treatment plant operator or operator-in-training 1) a person who files an application for an examination; 2) a person who files an application for an operator or operator-in-training certificate or the renewal or reinstatement of an operator or operator-in-training certificate; 3) a person who files an application for a contract operator registration or a contract operator credential or the renewal of a contract operator registration or a contract operator credential; or 4) an owner who files an application for an exemption or the renewal of an exemption for a Class I wastewater treatment plant.~~

“Associate’s degree” means a degree issued by a college or university accredited to award associate’s degrees by the Western Association of Schools and Colleges or

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another accrediting organization recognized by the California Postsecondary Education Commission or the United States Department of Education, for the completion of a program of study equivalent to the first two years of a baccalaureate degree.

“Bachelor’s degree” means a baccalaureate degree issued by a college or university accredited to award bachelor’s degrees by the Western Association of Schools and Colleges or another accrediting organization recognized by the California Postsecondary Education Commission or the United States Department of Education.

~~(e) “Basic science courses” means college-level courses in the combined fields of mathematics, physics, chemistry, and biology.~~

~~(f) “Biological filtration treatment” (biofiltration) means a wastewater treatment process in which predominantly biodegradable pollutants in wastewater are adsorbed and/or absorbed by masses of living aerobic organisms and which are attached to stationary support media as the wastewater is caused to trickle over the media. Settleable material that may have sloughed from the media surfaces is subsequently separated from the treated wastewater by a sedimentation process for disposal.~~

~~(g) “Board” or “State Water Board” as used in this chapter means the five members of the State Water Resources Control Board.~~

“Certifying body” means a state other than California, or a territory or an Indian tribe or unit thereof, that certifies or registers any person performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant. “Certifying body” includes entities designated by an Indian tribe to administer the tribe’s certification and/or contract registration program.

~~(h) “Chief Plant Operator” means a supervisor who is certified as an operator and who is the operator responsible for the overall operation of a wastewater treatment plant including compliance with effluent limitations established in the wastewater treatment plant’s waste discharge requirements.~~

~~(i) “Contract operator” means any a person or entity who enters a promissory agreement into a contract with an owner to operate a one or more wastewater treatment plants.~~

“Conventional treatment pond” means a pond in which biological oxidation of organic matter occurs through the natural transfer of oxygen in the wastewater. A pond that uses surface aerators solely to control odors shall be considered a conventional treatment pond unless the effluent receives disinfection before it is discharged.

“Design flow” means that amount of flow for which the wastewater treatment plant was designed.

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“Designated operator-in-charge” means an operator appointed by the chief plant operator pursuant to section 3680(b) to be responsible for the overall operation of a wastewater treatment plant, including compliance with the applicable waste discharge requirements, when the chief plant operator is unable to carry out his or her responsibilities. The designated operator-in-charge shall report to the chief plant operator.

~~((j))~~ “Direct supervision” means the oversight and inspection of the work performance of an operator-in-training by the supervisor, without an intervening person, to ensure the safe and proper execution of the duties of the operator-in-training responsibility for the training, oversight, and supervision of work performed by an operator-in-training to ensure the safe and proper execution of the operator-in-training’s duties. Direct supervision shall be carried out by an operator at the same or higher grade level as the operator-in-training without an intervening person.

“Disinfection” means a wastewater or water treatment process that uses physical or chemical processes to treat the effluent to inactivate or destroy pathogens remaining in wastewater after primary, secondary, or tertiary treatment. “Disinfection” includes the removal of chlorine if it is required by the wastewater treatment plant’s waste discharge requirements.

~~((k))~~ “Division” means that the unit of the division of the board State Board in which the Office of Operator Certification is located.

~~((l))~~ “Extended aeration treatment” means a modification of the activated sludge treatment process which utilizes long aeration periods to promote aerobic digestion of the biomass.

“Full time” for purposes of qualifying experience means any of the following:

(1) an operator or operator-in-training who works an average of 40 hours per week at a wastewater treatment plant performing job duties that meet the definition of qualifying experience. Any used paid vacation or sick leave earned as a result of hours spent performing job duties that meet the definition of qualifying experience may be counted toward full-time employment. In no case, however, may an operator or operator-in-training be considered full time if he or she spends less than 1,800 hours per year actually performing duties defined as qualifying experience;

(2) an operator who is solely responsible for the operation of a wastewater treatment plant, even if the work is performed in less than an average of 40 hours per week; or

(3) an operator-in-training who works as the only operator-in-training under the direct supervision of an operator who is solely responsible for the operation of the wastewater treatment plant and who is working less than an average of 40 hours per week, even if the work is performed by the operator-in-training in less than an average of 40 hours per week.

“Indian tribe” means an Indian entity recognized by, and eligible to receive services

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from, the United States, and included in the list of the entities periodically published by the Bureau of Indian Affairs in the Federal Register.

“Lone operator” means an operator approved by the Office of Operator Certification pursuant to section 3681 to work alone at a wastewater treatment plant. An operator-in-training shall not be a “lone operator.”

~~(m) “Maintenance” means those activities which will be credited toward operator experience under the certification program. Those activities are limited to the day-to-day servicing, adjustment or regulation of equipment which are performed by an operator and are necessary to maintain reliable operation of major treatment processes.~~

“Management course” means a course that teaches supervision and management skills including oral communication, technical writing, public administration, business management, and finance. Operators may earn educational points for completion of management courses pursuant to section 3684(b).

“Modified treatment pond” means a pond in which either the biological oxidation of organic matter is enhanced by the addition of aeration or the effluent receives disinfection before discharge.

~~(n) “Office of Enforcement” means that the unit of the State Board that is responsible for enforcement of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program pursuant to Article article 78 and Article article 4011.~~

~~(o) “Office of Operator Certification” means that the unit of the division which State Board that administers the Wastewater Treatment Plant Classification, and Operator Certification, and Contract Operator Registration Program.~~

~~(p) “Operates” means the performance of day-to-day activities primarily consisting of the control of any process which may affect the quality of the discharge of a wastewater treatment plant. “Operates” may include performance of day-to-day maintenance work so long as the primary function of the operator is control of the process. “Operates” does not include maintenance functions which are not necessarily for the reliable operation of major treatment processes actions or decisions to control the performance or outcome of one or more wastewater treatment processes. The term also includes the supervision of other operators acting or making decisions to control the performance or outcome of one or more wastewater treatment processes.~~

~~(q) “Operator” means any a person operating who operates a wastewater treatment plant and who occupies a position and performs duties for which the Office of Operator Certification requires an operator certificate and who possesses a valid, unexpired operator certificate.~~

~~(r) “Operator-in-training” means any person who operates a wastewater treatment plant~~

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~~under the direct supervision of a certified operator while gaining experience to qualify for an operator certificate~~ a person who has been issued an operator-in-training certificate by the State Board and who is acquiring qualifying experience at a wastewater treatment plant under the direct supervision of an operator at the same or a higher grade level as the operator-in-training.

“Owner” means a person who owns a wastewater treatment plant.

“Person” means an individual, entity, firm, association, organization, partnership, business trust, corporation, limited liability company, company, city, county, district, the state, and the United States, to the extent authorized by federal law.

“Petitioner” means a person who petitions the State Board seeking review of a Final Division Decision issued by the Deputy Director of the Division or a Final Office of Enforcement Decision issued by the Director of the Office of Enforcement.

~~(s) “Pond treatment” means processing in a pond in which biological oxidation of organic matter is effected by natural or artificially accelerated transfer of oxygen to the water.~~

~~(t) “Preliminary treatment” means a wastewater treatment process or processes to remove or reduce in the size of solids which that could damage equipment or reduce the effectiveness of other treatment processes.~~

~~(u) “Primary treatment” means a wastewater treatment process that allows these substances in wastewater that readily settle or float to be separated from the water being treated.~~

“Qualifying experience” means experience acquired at a wastewater treatment plant by an operator or operator-in-training during the time spent operating a wastewater treatment plant as defined in this section. The term may include the performance of minor maintenance related to the servicing, adjustment, or regulation of equipment necessary to maintain reliable operation of treatment processes.

“Regional Board” means a California Regional Water Quality Control Board.

“Requestor” means a person who requests that the Director of the Office of Enforcement reconsider a proposed disciplinary action letter.

“Satellite plant” means a wastewater treatment plant that is physically separated from the main wastewater treatment plant, but that has the potential to affect the operation of, or effluent quality from, the main plant. To qualify as a satellite plant, both the main plant and the satellite plant shall be owned and operated by the same person and shall be classified as one wastewater treatment plant. The owner’s employee organization chart, job descriptions, and duty rosters for plant personnel shall include a chief plant

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operator who is responsible for the overall operation of both the main wastewater treatment plant and the satellite plant.

“Science course” means a course in mathematics, physics, engineering, chemistry, or biology. Operators may earn educational points for completion of science courses pursuant to section 3684(a).

~~(v)~~ “Secondary treatment” means a wastewater treatment process that goes beyond primary treatment to remove colloidal and dissolved organic matter and further remove suspended matter, usually by biological processes such as activated sludge and biological filtration treatment.

“Sequencing batch reactor” means a wastewater treatment system, which uses a variation of the activated sludge process, in which aeration and sedimentation or clarification occur in a single tank in sequential stages. A programmable logic controller is used to monitor the time associated with the process stages to achieve specific treatment objectives.

~~(w)~~ “Shift supervisor” means ~~a certified operator who oversees and directs the operation or a phase of operation of a wastewater treatment plant during a specific work period and who reports to a supervisor or a chief plant operator.~~

~~(x)~~ “Supervisor” means ~~a certified operator who oversees and directs the operation of a wastewater treatment plant, who inspects the performance of other operators of a wastewater treatment plant, and who reports to the chief plant operator.~~

“Solids treatment” means a wastewater treatment process used to stabilize solids that have been removed from wastewater by using biological, chemical, or thermal treatment methods. “Solids treatment” includes using physical processes at a wastewater treatment plant to further reduce the volume of stabilized solids.

“State Board” means the State Water Resources Control Board.

~~(y)~~ “Tertiary treatment” ~~(advanced waste treatment)~~ means a wastewater treatment process that goes beyond secondary treatment, ~~which may include and includes~~ filtration, coagulation, and nutrient removal, but excluding disinfection.

“Waste discharge requirements” means waste discharge requirements issued pursuant to article 4, chapter 4, division 7 of the Water Code or chapter 5.5 of division 7 of the Water Code.

“Water quality objectives” means the limits or levels of water quality constituents or characteristics established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

“Wastewater treatment course” means a course that teaches operators the skills to



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operate a wastewater treatment plant including water quality control, wastewater treatment, wastewater engineering, wastewater chemistry, and sanitation microbiology. Operators may earn educational points for completion of wastewater treatment courses pursuant to section 3684(a).

~~(z)~~ “Wastewater treatment plant” means ~~either any~~ of the following:

(1) ~~Any A~~ facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage ~~and or~~ industrial wastes;

(2) ~~Any A~~ privately-owned facility used in the treatment or reclamation of sewage ~~and or~~ industrial wastes, and regulated by the Public Utilities Commission pursuant to ~~Sections sections~~ 216 and 230.6 of, and ~~Chapter chapter~~ 4 (commencing with ~~Section section~~ 701) of ~~Part part~~ 1 of ~~Division division~~ 1, of the Public Utilities Code; ~~or~~

(3) A privately owned facility used primarily in the treatment or reclamation of sewage, and for which the State Board or a Regional Board has issued waste discharge requirements.

“Wastewater treatment plant” includes water recycling treatment plants. The term, “wastewater treatment plant” does not include onsite sewage treatment systems as defined in section 13290 of the Water Code.

“Wastewater treatment process” means a process that improves the quality of wastewater before it is discharged from a wastewater treatment plant, and includes the use of preliminary, primary, pond, secondary, or tertiary treatment for liquid-solids separation of wastewater; the use of disinfection to inactivate or destroy pathogens in wastewater; and the use of solids treatment for solids stabilization and volume reduction before removal from the wastewater treatment plant site.

~~(aa)~~ “Water recycling treatment plant” (water reclamation plant) means a wastewater treatment plant that receives and further treats secondary and/or tertiary effluent from a another wastewater treatment plant for the purpose of meeting the uniform statewide recycling criteria established pursuant to section 13521 of chapter 7 of division 7 of the Water Code for the use of recycled water.

“Water treatment plant” means a plant that uses sedimentation, coagulation, filtration, disinfection, conditioning, softening, fluoridation, removal of tastes and odors, corrosion control, algae control, and/or aeration to reduce or remove contaminants that are present in water for the purpose of making water suitable for drinking.

Authority: Section 1058, Water Code.

Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

### **Article 2. Classification of Wastewater Treatment Plants, Owner and Agency Reporting Requirements, and Criteria for Exemption of a Class I Wastewater Treatment Plant**

#### **§ 3675. Classification of Wastewater and Water Recycling Treatment Plants.**

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- (a) ~~The division~~ Within 30 days of receiving the information required pursuant to section 3676(b) or (c), the Office of Operator Certification shall classify all a wastewater treatment plants, including water recycling treatment plants, according to the following criteria:

<del>Class</del>	<del>Treatment Process</del>	<del>Design Flow (in million gallons per day)</del>
<del>I</del>	<del>Pond.....</del>	<del>All</del>
	<del>Primary.....</del>	<del>1.0 or less</del>
<del>II</del>	<del>Primary.....</del>	<del>Greater than 1.0 through 5.0</del>
	<del>Biofiltration.....</del>	<del>1.0 or less</del>
	<del>Extended Aeration....</del>	<del>All</del>
<del>III</del>	<del>Primary.....</del>	<del>Greater than 5.0 through 20.0</del>
	<del>Biofiltration.....</del>	<del>Greater than 1.0 through 10.0</del>
	<del>Activated Sludge.....</del>	<del>5.0 or less</del>
	<del>Tertiary.....</del>	<del>1.0 or less</del>
<del>IV</del>	<del>Primary.....</del>	<del>Greater than 20.0</del>
	<del>Biofiltration.....</del>	<del>Greater than 10.0 through 30.0</del>
	<del>Activated Sludge....</del>	<del>Greater than 5.0 through 20.0</del>
	<del>Tertiary.....</del>	<del>Greater than 1.0 through 10.0</del>
<del>V</del>	<del>Biofiltration.....</del>	<del>Greater than 30.0</del>
	<del>Activated Sludge.....</del>	<del>Greater than 20.0</del>
	<del>Tertiary.....</del>	<del>Greater than 10.0</del>

### WASTEWATER TREATMENT PLANT CLASSIFICATION TABLE

<u>Class</u>	<u>Wastewater Treatment Process</u>	<u>Design Flow</u> (in million gallons per day)
<u>I</u>	<u>Primary.....</u> <u>Conventional Treatment Pond .....</u>	<u>1.0 or less</u> <u>All</u>
<u>II</u>	<u>Primary.....</u> <u>Biofiltration .....</u> <u>Modified Treatment Pond .....</u>	<u>Greater than 1.0 through 5.0</u> <u>1.0 or less</u> <u>All</u>
<u>III</u>	<u>Primary.....</u> <u>Biofiltration .....</u>	<u>Greater than 5.0 through 20.0</u> <u>Greater than 1.0 through 10.0</u>

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	<u>Activated Sludge . . . . .</u> <u>Sequencing Batch Reactor . . . . .</u> <u>Tertiary . . . . .</u>	<u>5.0 or less</u> <u>1.0 or less</u> <u>1.0 or less</u>
<u>IV</u>	<u>Primary . . . . .</u> <u>Biofiltration . . . . .</u> <u>Activated Sludge . . . . .</u> <u>Sequencing Batch Reactor . . . . .</u> <u>Tertiary . . . . .</u>	<u>Greater than 20.0</u> <u>Greater than 10.0 through 30.0</u> <u>Greater than 5.0 through 20.0</u> <u>Greater than 1.0 through 10.0</u> <u>Greater than 1.0 through 10.0</u>
<u>V</u>	<u>Biofiltration . . . . .</u> <u>Activated Sludge . . . . .</u> <u>Sequencing Batch Reactor . . . . .</u> <u>Tertiary . . . . .</u>	<u>Greater than 30.0</u> <u>Greater than 20.0</u> <u>Greater than 10.0</u> <u>Greater than 10.0</u>

(b) ~~Plants~~ A wastewater treatment plant may be classified in a group other than as indicated in this section subdivision (a) if:

(1) ~~they have characteristics which make operation more difficult than the operation of other similar plants of the same flow range; or, the plant uses unconventional or innovative approaches due to conditions of flow or unusual requirements for discharge to a receiving water;~~

(2) the conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control; or,

(3) ~~they use~~ the plant uses an approved method of wastewater treatment ~~which is not included in this section subdivision (a).~~

(c) Satellite plants shall not be classified separately. A satellite plant and the main wastewater treatment plant shall be classified as a single wastewater treatment plant.

(d) Within 30 days of receiving written notice of any change in reportable items in section 3676(b) or (c), the Office of Operator Certification shall either reclassify the wastewater treatment plant or make a determination that the change does not result in a need for reclassification.

Authority: Sections 1058 and 13626, Water Code.

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Reference: Section ~~43636~~13626, Water Code.

## § 3676. Reporting Requirements by Agencies to the Division for Owners of Wastewater Treatment Plants.

- (a) Except as provided in subdivision (c), within 60 days from the effective date of this section, an owner shall submit to the Office of Operator Certification a signed statement from the chief plant operator acknowledging and accepting the responsibilities of the position of “Chief plant operator” as defined in section 3671.
- (b) Except as provided in subdivision (c), in addition to providing the written acknowledgement required by subdivision (a), within 60 days from the effective date of this section, the owner of a privately owned wastewater treatment plant for which the State Board or a Regional Board has issued waste discharge requirements and any other wastewater treatment plant utilizing a sequencing batch reactor for process control shall submit to the Office of Operator Certification a description and schematic of the plant’s treatment processes and design flow, the name of the Regional Board overseeing the plant, an employee organization chart, job descriptions, and duty rosters for plant personnel.
- (ac) ~~Within 30 calendar~~ The owner of a wastewater treatment plant that will begin operating more than 60 days after the effective date of this section shall submit to the Office of Operator Certification at least 60 days after before a wastewater treatment plant begins operating, each agency shall submit to the division a description and schematic of the plant’s treatment processes and, a design flow of the plant, the name of the Regional Board overseeing the plant, an employee organization chart, and job descriptions, and duty rosters for plant personnel. The owner shall submit a signed statement from the chief plant operator acknowledging and accepting the responsibilities of the position of “Chief plant operator” as defined in section 3671.
- (bd) Each agency ~~The owner~~ shall notify the division ~~Office of Operator Certification~~ in writing within 30 ~~calendar~~ days of the closure of the wastewater treatment plant or a ~~any~~ change in the employment of the person designated as chief plant operator and any change in the reportable items in subsection (a) above which ~~reportable items in subdivisions (b) or (c), that~~ may affect the classification of the wastewater treatment plant.
- (e) If the person designated as the chief plant operator changes, the owner shall notify the Office of Operator Certification in writing within 30 days and shall provide a signed statement from the new chief plant operator acknowledging and accepting the responsibilities of the position of “Chief plant operator” as defined in section 3671.

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(g) The owner shall notify the Office of Operator Certification in writing within 30 days of entering into or ending a contract with a contract operator.

~~(c) Each agency shall notify the division in writing within 30 calendar days of any final disciplinary action resulting in suspension, demotion, or discharge of a certified operator or operator-in-training if the disciplinary action is the result of the operator's commission of any of the acts which are grounds for discipline listed in Section 3710. The notice shall identify the name of the operator or operator-in-training, the specific violations and the disciplinary action taken~~

~~(d) Reports regarding final disciplinary action received from agencies shall be retained in state board files for a period of three years unless the state board takes disciplinary action. If the state board takes disciplinary action, reports submitted by agencies shall remain in state board files for ten years.~~

(h) The owner shall notify the Office of Operator Certification in writing within 30 days of any final disciplinary action taken by the owner against an operator, operator-in-training, or contract operator. Disciplinary action includes reprimanding or placing on probation, suspending, demoting, or discharging an operator, operator-in-training, or contract operator for performing, or allowing or causing another to perform, any act in violation of this chapter. The notice shall include the name of the operator, operator-in-training, or contract operator, the specific violations, and the disciplinary action taken. The notice also shall include the operator's certificate number or the contract operator's registration number.

(1) Except as provided in subdivision (2), a notice received from an owner regarding final disciplinary action shall be retained in State Board files for three years.

(2) If the State Board imposes administrative civil liability or takes disciplinary action pursuant to article 8 or article 11 in response to the conduct which is the basis for the notice, then the notice shall remain in State Board files for 10 years.

Authority: Sections 1058 and 13626, Water Code.

Reference: Sections 13626, 13627, 13627.1, 13627.2, 13627.3, and 13627.4, Water Code.

### § 3677. Exemption for a Class I Wastewater Treatment Plant.

An owner of a Class I wastewater treatment plant may apply to the Office of Operator Certification for an exemption from the requirements of this chapter and Water Code, division 7, chapter 9, if the plant could not, due to operator error, violate water quality objectives.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

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### § 3677.1. Application for Exemption for a Class I Wastewater Treatment Plant.

(a) An application for exemption shall contain sufficient information to demonstrate that the wastewater treatment plant meets the criteria prescribed in section 3677, and shall include:

(1) the name, mailing and business addresses, and telephone number of the owner of the wastewater treatment plant;

(2) the name, business address, and telephone number of the wastewater treatment plant;

(3) an employee organization chart;

(4) the original signature of the owner of the wastewater treatment plant or the owner's authorized representative;

(5) the name of the Regional Board overseeing the wastewater treatment plant and a copy of the current waste discharge requirements issued by the State Board or Regional Board;

(6) a description and schematic of the wastewater treatment plant showing all wastewater treatment and solids handling processes including a flow diagram showing design flows and present flows for all wastewater treatment processes and a solids balance diagram for the solids handling processes;

(7) an evaluation of the operations of the wastewater treatment plant signed and stamped by a California registered professional chemical, civil, or mechanical engineer. The engineer shall identify potential operator errors, evaluate the potential effects of the identified operator errors on the operation of the plant, and determine whether the operator errors could cause the wastewater treatment plant to violate water quality objectives; and

(8) additional information, evidence, statements, or documents to support the application for exemption as requested by the Office of Operator Certification.

(b) A non-refundable application fee of \$800 shall accompany each application for exemption.

(c) The applicant for exemption shall provide a copy of the application for exemption to the appropriate Regional Board.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

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### § 3677.2. Issuance of Notice of Exemption for a Class I Wastewater Treatment Plant.

- (a) Within 60 days of receipt of a completed application for exemption, the Office of Operator Certification shall issue a notice of exemption or inform the applicant of the reason the notice of exemption shall not be issued.
- (b) The Office of Operator Certification shall consult with the Regional Board and may conduct an inspection of the wastewater treatment plant before approving or denying a request for exemption.
- (c) A wastewater treatment plant shall be granted an exemption only if the Office of Operator Certification determines that the plant could not, due to operator error, violate water quality objectives.
- (d) A notice of exemption shall include:
  - (a) the name of the wastewater treatment plant;
  - (b) the name and business address of the owner;
  - (c) the issue and expiration dates of the exemption;
  - (d) the exemption number assigned by the State Board;
  - (e) the State Board seal;
  - (f) the name "State Water Resources Control Board;" and
  - (g) the signature of a State Board member or designee.
- (e) An exemption granted by the Office of Operator Certification shall be valid for four years.
- (f) The Office of Operator Certification may revoke or place conditions on an exemption at any time.
- (g) If an application for exemption is denied or the Office of Operator Certification revokes an exemption, the owner shall, within 90 days from the date of the denial or revocation, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

### § 3677.3. Changes to the Operation of an Exempt Wastewater Treatment Plant.

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- (a) At least 60 days before implementing any changes to the operation of an exempt wastewater treatment plant, the owner shall notify the Office of Operator Certification in writing of the proposed changes.
- (b) Within 30 days of receiving notice of proposed changes to the operation of an exempt wastewater treatment plant, the Office of Operator Certification shall provide written notification of whether the wastewater treatment plant will remain exempt if the proposed changes are implemented.
- (c) The owner shall notify the Office of Operator Certification in writing if the owner decides to implement proposed changes that the Office of Operator Certification determined will result in relinquishing the exempt status of the wastewater treatment plant.
- (e) The Office of Operator Certification shall revoke the wastewater treatment plant's exemption if the owner implements changes that result in the wastewater treatment plant no longer meeting the criteria for exemption in section 3677.2(c).
- (f) If a wastewater treatment plant's exemption is revoked pursuant to this section, the owner shall, within 90 days from the date of the revocation, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

### § 3677.4. Notice of Expiration of an Exemption for a Class I Wastewater Treatment Plant.

At least 60 days before the expiration of an exemption, the Office of Operator Certification shall send a written notice of the expiration date to the owner at the owner's mailing address of record. Failure to receive a notice of exemption expiration does not relieve the owner of the responsibility for renewing an exemption on or before the expiration date.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

### § 3677.5. Application for Exemption Renewal for a Class I Wastewater Treatment Plants

- (a) An application for exemption renewal shall include all of the information required for an application for exemption in section 3677.1(a) and a \$300 application for exemption renewal fee.



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- (b) The application for exemption renewal shall be received by the Office of Operator Certification no later than 30 days before the expiration of the exemption.
- (c) The applicant for exemption renewal shall provide a copy of the application for exemption renewal to the appropriate Regional Board.
- (d) Within 30 days of the receipt of a complete application for exemption renewal, the Office of Operator Certification shall renew the exemption for four years in accordance with section 3677.2 or shall inform the applicant of the reason the exemption shall not be renewed.
- (e) If an application for exemption renewal is denied, the owner shall, within 90 days from the date of the denial, staff the plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

### § 3677.6. Posting Notices of Exemption for a Class I Wastewater Treatment Plant.

An exempt wastewater treatment plant shall display its notice of exemption in an area accessible to the public at the wastewater treatment plant. If no area is accessible to the public, the notice shall be posted at the wastewater treatment plant owner's headquarters.

Authority: Sections 1058 and 13525.1, Water Code.

Reference: Section 13625.1, Water Code.

## **Article 3. Grades Levels of Operator Certification for the Operation of Wastewater Treatment Plants**

### § 3680. Grade Levels of Operator Certification.

Except as provided in section 3680.1, this section applies to operators.

- (a) Chief Plant Operators – For all plant classes, each chief plant operator shall possess a valid operator certificate of a grade at least equivalent to the class of plant operated. Each chief plant operator and designated operator-in-charge shall possess a valid operator certificate at a grade level at least equivalent to the following:

<u>Plant Classification</u>	<u>Minimum Grade Level of Chief Plant Operator</u>	<u>Minimum Grade Level of Designated Operator-in-Charge</u>
<u>I</u>	<u>I</u>	<u>I</u>
<u>II</u>	<u>II</u>	<u>I</u>

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<u>III</u>	<u>III</u>	<u>II</u>
<u>IV</u>	<u>IV</u>	<u>III</u>
<u>V</u>	<u>V</u>	<u>III</u>

- (b) ~~Supervisors and Shift Supervisors—~~ A chief plant operator shall appoint a certified operator to be the designated operator-in-charge for any period of time during which the chief plant operator is unable to carry out his or her responsibility as a chief plant operator.

~~(1) In Class II, III, and IV plants, supervisors and shift supervisors shall possess valid operator certificates no more than one grade lower than the class of plant operated.~~

~~(2) In Class V plants, shift supervisors shall possess at least valid Grade III certificates and supervisors shall possess at least Grade IV certificates~~

- (c) ~~Operators – Each operator~~ All operators shall possess at least a valid Grade I certificate or a valid operator-in-training certificate. ~~In At~~ At Class IV and V wastewater treatment plants, at least 50 percent of the operators shall possess at least valid Grade II operator or operator-in-training certificates or valid operator-in-training certificates at the Grade II level or higher level.

- (d) Notwithstanding subdivisions (a) through (c), if an owner of a wastewater treatment plant utilizing a sequencing batch reactor for process control submits the reportable items in section 3676(b) and the wastewater treatment plant is given a higher classification than the wastewater treatment plant's prior classification, the owner has 90 days from the date that the Office of Operator Certification classifies the plant, to staff the plant with certified operators of the appropriate grade level as set forth in this section.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3680.1. Grade Levels of Operators at Privately Owned Wastewater Treatment Plants.

This section applies only to privately owned wastewater treatment plants for which the State Board or a Regional Board has issued waste discharge requirements.

- (a) No later than two years from the effective date of this section, all persons at a privately owned wastewater treatment plant performing duties that are comparable to the duties of an operator at a wastewater treatment plant shall possess a valid certificate at the Grade I level or higher and meet the requirements for operators set forth in section 3680.

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- (b) No later than two years from the effective date of this section, the owner of a privately owned wastewater treatment plant shall staff the plant with operators of appropriate grade levels as prescribed in section 3680.
- (c) Notwithstanding the provisions in this section, a certified operator or certified operator-in-training working at a privately owned wastewater treatment plant shall comply with the requirements of this chapter.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3681. Lone Operator.

- (a) A chief plant operator of a wastewater treatment plant must receive written approval from the Office of Operator Certification before assigning an operator as a lone operator. The chief plant operator shall request approval and shall submit a written plan that includes:
- (1) the name(s) and grade level(s) of the lone operator(s) and their proposed duties;
  - (2) a work schedule showing when the lone operator(s) will be working alone; and
  - (3) the procedure the lone operator(s) shall use to communicate with the chief plant operator, the designated operator-in-charge, or an operator at the same or higher grade level as the designated operator-in-charge when the lone operator(s) needs direction.
- (b) Written approval shall be given by the Office of Operator Certification if the plan provides that the lone operator(s):
- (1) will be certified at no more than one grade level lower than that required for a designated operator-in-charge in section 3680(a);
  - (2) will perform only basic duties that require minimal judgment; and
  - (3) has the ability to communicate at all times with the chief plant operator, the designated operator-in-charge, or an operator at the same or higher grade level as the designated operator-in-charge.
- (c) At least 30 days before implementing any changes to the written plan, the chief plant operator shall notify the Office of Operator Certification in writing of the proposed changes.
- (1) Within 30 days of receiving notice of the proposed changes, the Office of Operator Certification shall provide written approval of the proposed amended plan in accordance with subdivision (b) or notify the chief plant operator that the

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proposed amended plan does not meet the requirements for assigning a lone operator as prescribed in subdivision (b).

(2) The chief plant operator shall not amend the written plan as proposed if the Office of Operator Certification notifies the chief plant operator that the proposed amended plan does not meet the requirements for assigning a lone operator as prescribed in subdivision (b).

(d) The Office of Operator Certification may revoke its written approval if it determines that the plan has been violated.

(e) In no event shall an operator-in-training be assigned as a lone operator.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### **Article 4. Minimum Qualifications**

#### ~~§ 3683. Education and Experience Requirements.~~

~~(a) No person shall be issued a certificate unless that person passes a written examination specified by these regulations and meets the education and experience requirements prescribed by this article.~~

~~(b) Persons may apply to take an operator certification examination if:~~

~~(1) they have completed the education necessary for the certificate prior to the final filing date for the examination, in accordance with the provisions of subsection (c) of this section; and,~~

~~(2) there is sufficient time to gain the experience necessary to qualify for the certificate for which they are applying within four years of June 30 or December 31 (whichever is sooner) following an examination for Grades II, III, IV, and V and within two years of June 30 or December 31 (whichever is sooner) following an examination for Grade I.~~

~~(c) Eligibility for certification shall be based on the following qualifications for each grade of wastewater treatment plant operator. Educational points shall be credited pursuant to the provisions of Section 3685.~~

~~(1) Grade I:~~

~~Education: Six educational points; AND,~~

~~Experience: One year of experience performing the functions of a wastewater treatment plant operator.~~

~~(2) Grade II:~~

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~~(A) Education: Graduation from high school or equivalent as specified in Section 3686 and six educational points; AND,~~

~~Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(B) Experience: One and one-half years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade I operator.~~

### ~~(3) Grade III:~~

~~(A) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,~~

~~Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(B) Education: Graduation from high school or equivalent as specified in Section 3686 and 16 educational points; AND,~~

~~Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(C) Experience: Three years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade II operator.~~

### ~~(4) Grade IV:~~

~~(A) Education: A bachelor's degree with a major related to wastewater treatment and which includes a minimum of 30 semester units of basic science courses; AND,~~

~~Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(B) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,~~

~~Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(C) Education: Graduation from high school or equivalent as specified in Section 3686 and 32 educational points; AND,~~

~~Experience: Six years of experience performing the functions of a wastewater treatment plant operator; OR,~~

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~~(D) Experience: Four years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade III operator.~~

~~(5) Grade V:~~

~~(A) Credential: A valid license as a civil or chemical engineer issued by the California Department of Consumer Affairs, Board of Registration for Professional Engineers and Land Surveyors; AND,~~

~~Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(B) Education: A bachelor's degree with a major related to wastewater treatment and which includes a minimum of 30 semester units of basic science courses; AND,~~

~~Experience: Five years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(C) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,~~

~~Experience: Six years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(D) Education: Graduation from high school or equivalent as specified in Section 3686 and 48 educational points; AND,~~

~~Experience: Ten years of experience performing the functions of a wastewater treatment plant operator; OR,~~

~~(E) Experience: Six years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade IV operator.~~

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

### ~~§ 3684. Experience Credits.~~

~~(a) Applicants may be credited with one year of experience if they have had two or more years of full-time experience in the operation of a water treatment plant regulated by the California Department of Health Services or by a government agency in another state and while in possession of a valid water treatment plant operator certificate, if:~~

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~~(1) the water treatment plant where the experience was gained uses two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation, or disinfection; and,~~

~~(2) at the time of their application for certification, they have had one year of full-time experience in the operation of a wastewater treatment plant.~~

~~(b) Applicants, who have one year of experience in the operation of a wastewater treatment plant may substitute 16 educational points for one year of experience. Those educational points used to substitute for experience at one grade may not be used again to substitute for experience at another grade. The substitution may not be made by applicants qualifying under the provisions of Sections 3683(c)(1) and 3683(c)(4)(A).~~

~~Authority: Sections 1058 and 13627, Water Code.~~

~~Reference: Section 13625, Water Code.~~

### ~~§ 3685. Educational Points.~~

~~(a) Pursuant to the provisions of this article, applicants may be required to obtain educational points to qualify for certification. Educational points may be earned as follows:~~

~~(1) One completed three-unit semester course which is directly related to wastewater treatment and which is part of the curriculum of an accredited college or university is equal to eight educational points. Completed courses which result in more or less than three units or which are quarter units rather than semester units will be credited with educational points on a proportional basis.~~

~~(2) All other courses will be assigned educational points at the rate of one educational point per 10 hours of completed classroom instruction. Subjects which are directly related to wastewater treatment shall be assigned full credit for educational points. Subjects which are indirectly related shall be given one half credit.~~

~~(3) One Continuing Education Unit which is directly related to wastewater treatment is equal to one educational point.~~

~~(b) Applicants may not substitute experience for educational points.~~

~~Authority: Sections 1058 and 13627, Water Code.~~

~~Reference: Section 13625, Water Code.~~

### ~~§ 3686. High School Equivalence.~~

~~High school equivalence may be obtained by substituting six educational points for each uncompleted year of high school through grade 12 or by passing an approved General~~

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Educational Development test, or by obtaining a Certificate of Proficiency issued by the State Board of Education in accordance with Section 48412 of the Education Code.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

## Article 4. Operators-in-Training

### § 3682. Employment or Training of an Operator-in-Training.

An owner may employ or train an operator-in-training at any grade level, provided the operator-in-training is under the direct supervision of an operator at the same or higher grade level as the operator-in-training and is performing the duties at the grade level for which the certificate was issued. Operators-in-training may not supervise operators or other operators-in-training, and may not act in the capacity of a chief plant operator, designated operator-in-charge, or lone operator.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3682.1. Application for Operator-in-Training Certification.

- (a) An application for an operator-in-training certificate shall include: 1) all of the information required in section 3702 for an application for an operator certificate; 2) the certification fee prescribed in article 9; and 3) the name, contact information, and signature of the chief plant operator of the wastewater treatment plant where the operator-in-training will be in training.
- (b) An applicant for an operator-in-training certificate must have completed the minimum amount of education prescribed in section 3686 for certification as an operator at the grade level for which an operator-in-training certification is requested.
- (c) Except as provided in section 3682.5(a) and (b), an applicant for a Grade I operator-in-training certificate may, but is not required to, pass the Grade I examination before being issued the certificate.
- (d) A person may apply for operator-in-training certification at the Grade II through Grade V levels if the applicant has passed an examination at that grade level or higher and the applicant's examination results have not expired.
- (e) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.

Authority: Sections 1058 and 13627, Water Code.



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Reference: Section 13627, Water Code.

## § 3682.2. Issuance of an Operator-in-Training Certificate.

(a) Within 30 days of receipt of a completed application and payment of the certification fee prescribed in article 9, the Office of Operator Certification shall issue an operator-in-training certificate. The operator-in-training certificate shall be issued in the name of the applicant and mailed to the chief plant operator at the mailing address of the wastewater treatment plant where the operator-in-training will be in training.

(b) An operator-in-training certificate shall include:

(1) the name and grade level of the operator-in-training;

(2) the issue and expiration dates of the certificate;

(3) the name of the wastewater treatment plant where the operator-in-training will be training;

(4) the State Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Board member or designee.

(c) The Office of Operator Certification may refuse to issue an operator-in-training certificate if it determines that the applicant has committed any act in violation of this chapter.

(d) Except as provided in subdivision (e), operator-in-training certificates shall be valid for two years.

(e) The expiration date of Grade II through Grade V operator-in-training certificates shall not exceed the expiration date of the applicant's passed examination results.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

## § 3682.3. Renewal of an Operator-in-Training Certificate.

(a) Except as provided in section 3682.4(d), a valid, unexpired Grade I operator-in-training certificate may be renewed once for a two-year period provided the operator-in-training has passed an examination at the Grade I level or higher before

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the expiration of the initial certificate and the operator-in-training's examination results have not expired.

(b) A valid, unexpired Grade II through Grade V operator-in-training certificate may be renewed once for a two-year period provided the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired.

(c) Following an initial renewal pursuant to subdivisions (a) or (b), and except as provided in section 3682.4(d), a valid, unexpired Grade I through Grade V operator-in-training certificate may be renewed repeatedly for additional two-year periods if the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired, and the chief plant operator submits a plan for the operator-in-training to acquire the qualifying experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3686. The plan shall contain the following information:

(1) the chief plant operator's original signature, verifying the applicant's qualifying experience acquired at that wastewater treatment plant;

(2) information regarding qualifying experience the applicant may have acquired at another wastewater treatment plant;

(3) the applicant's original signature;

(4) the applicant's job description;

(5) the average number of hours per week the applicant will be training at the wastewater treatment plant to acquire qualifying experience;

(6) an estimate of the amount of time required for the applicant to acquire the qualifying experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3686; and

(7) additional information, evidence, statements, or documents to support the application for renewal as requested by the Office of Operator Certification.

(d) At least 60 days before the expiration of an operator-in-training certificate, the Office of Operator Certification shall send a written notice of the expiration date to the chief plant operator at the wastewater treatment plant where the operator-in-training is training and to the operator-in-training at his or her mailing address of record. Failure to receive a notice of renewal does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.

(e) An application for renewal shall include:

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- (1) the applicant's name, mailing address, grade level, and classification or title;
- (2) the name, contact information, and signature of the chief plant operator of the wastewater treatment plant where the operator-in-training is in training;
- (3) the renewal fee prescribed in article 9; and
- (4) if the operator-in-training is applying for a renewal certificate pursuant to subdivision (c), a plan containing the information required by subdivision (c) submitted by the chief plant operator at the wastewater treatment plant where the operator-in-training is training.

(f) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the renewal application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.

Authority: Sections 1058 and 13627, Water Code.  
Reference: Sections 13627 and 13628, Water Code.

### § 3682.4. Issuance of a Renewed Operator-in-Training Certificate.

A renewed operator-in-training certificate shall be issued in accordance with the provisions of section 3682.3 and this section.

(a) Within 30 days of receipt of a completed application for renewal and the renewal fee, the Office of Operator Certification shall issue a renewed operator-in-training certificate or inform the applicant of the reason the certificate shall not be issued.

(b) The Office of Operator Certification may refuse to renew an operator-in-training certificate if it determines that the applicant has:

- (1) operated a wastewater treatment plant with an expired operator-in-training certificate;
- (2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or
- (3) committed any other act in violation of this chapter.

(c) A renewed operator-in-training certificate shall include:

- (1) the name and grade level of the operator-in-training;

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- (2) the issue and expiration dates of the certificate;
  - (3) the name of the wastewater treatment plant where the operator-in-training will be training;
  - (4) the State Board seal;
  - (5) the name, "State Water Resources Control Board;" and
  - (6) the signature of a State Board member or designee.
- (d) The expiration date of a renewed operator-in-training certificate shall not exceed the expiration date of the operator-in-training's passed examination results.

### § 3682.5. Invalidation and Issuance of a New Operator-in-Training Certificate.

- (a) Operator-in-training certificates are valid only while the operator-in-training is in training at the wastewater treatment plant for which the certificate was issued. When the training ceases, the chief plant operator shall return the certificate to the Office of Operator Certification within 30 days with a statement as to the amount of qualifying experience the operator-in-training acquired before training ceased.
- (b) Except as provided in subdivision (c), if a Grade I operator-in-training certificate is returned to the Office of Operator Certification because the operator-in-training is no longer being trained at the wastewater treatment plant for which the certificate was issued, or if a Grade I operator-in-training certificate is not renewed for any reason, the operator-in-training may apply for a new certificate at any time in accordance with this article, provided the operator-in-training:
  - (1) has passed an examination at the Grade I level or higher and the operator-in-training's examination results have not expired; or
  - (2) held all previous Grade I operator-in-training certificates for a total of less than 24 months and does not have one year of full-time qualifying experience.
- (c) A Grade I operator-in-training certificate issued pursuant to subdivision (b)(2), shall be valid for a maximum of 24 months, including the time acquired under all previous Grade I operator-in-training certificates.
- (d) If a Grade II through Grade V operator-in-training certificate is returned to the Office of Operator Certification because the operator-in-training is no longer being trained at the wastewater treatment plant for which the certificate was issued, or if a Grade II through Grade V operator-in-training certificate is not renewed for any reason, the operator-in-training may apply for a new certificate at any time in accordance with this article, provided the operator-in-training has passed an examination at that

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grade level or higher and the operator-in-training's examination results have not expired.

(e) Time and experience acquired under a previous operator-in-training certificate shall be credited to a new certificate issued pursuant to this section.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3682.6. Reporting Requirements for Operators-in-Training.

An operator-in-training shall notify the Office of Operator Certification within 30 days of the date a certifying body or court takes final action: to discipline the operator-in-training; to impose administrative civil liability; or to impose civil or criminal liability for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

## **Article 5. Examination and Certification of Wastewater Treatment Plant Operators**

### ~~§ 3700. Application for Examination.~~

~~(a) Content – An application for examination shall contain but not be limited to the following information:~~

~~(1) the applicant's full name, mailing address, work telephone number, and date of birth;~~

~~(2) information regarding former employment, current operator status, other operator certificates held in California or other states, engineering registrations held, and education and experience gained;~~

~~(3) if employed as an operator, the original signature of the chief plant operator, verifying the applicant's experience as an operator;~~

~~(4) the applicant's original signature;~~

~~(5) copies of college transcripts, grade cards, or certificates of completion for courses related to wastewater treatment to verify completion of education requirements;~~

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~~(6) any additional information, evidence, statements, or documents to support the application for examination as requested by the division; and,~~

~~(7) the application fee and examination fee as prescribed by Article 8.~~

~~(b) Submittal – Applications for examination shall be postmarked by the final filing date as specified in this subsection. Applications postmarked after the final filing date shall be held over and processed for the next scheduled examination.~~

<i>Date of Examination</i>	<i>Final Filing Date</i>
April 4, 1998	February 1, 1998
October 3, 1998	August 1, 1998
April 10, 1999	February 1, 1999
October 2, 1999	August 1, 1999
April 1, 2000	February 1, 2000
October 7, 2000	August 1, 2000
April 7, 2001	February 1, 2001
October 6, 2001	August 1, 2001
April 6, 2002	February 1, 1002
October 5, 2002	August 1, 2002
April 5, 2003	February 1, 2003
October 4, 2003	August 1, 2003
April 3, 2004	February 1, 2004
October 2, 2004	August 1, 2004

~~(c) Division review – The division shall review applications and supporting documents to determine eligibility for examination.~~

~~Unless otherwise specified by this chapter, division evaluation of experience gained in California will be based on work performed while employed in a position which requires operator certification in California. Evaluation of experience gained outside California will be based on work performed while employed in a position comparable to one which requires operator certification in California. Division evaluation of experience will be based on the actual work performed by the applicant without respect to job titles assigned by the employing agencies.~~

~~(d) Notice – The division shall notify applicants in writing within 30 calendar days of receipt of an application whether it is complete or deficient. If there is a deficiency, the division shall identify the deficiency and inform the applicant in writing of the specific information required.~~

~~(e) Deficient applications – Applications which do not contain proof of completion of education requirements and the correct application and examination fees shall be considered deficient applications. Deficient applications shall not be processed for the current examination. The applicant shall be required to reapply to take a subsequent examination.~~

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~~(f) Processing times – the division's median, minimum, and maximum processing times for applications for examination between September 1989 and September 1991 were:~~

~~Median – 30 days~~

~~Minimum – 3 days~~

~~Maximum – 112 days~~

~~Authority: Sections 1058 and 13628, Water Code~~

~~Reference: Sections 13727, 13628 and 13629, Water Code~~

### ~~§ 3701. Examinations.~~

~~(a) Written examinations for each wastewater treatment plant operator grade shall contain questions to determine applicants' knowledge of wastewater treatment plant operation. Mathematical problems related to process control and evaluation will be included. Each higher grade examination will require progressively more detailed knowledge of the subject matter.~~

#### ~~(b) Content by grade~~

~~(1) Grade I examinations shall contain questions regarding knowledge of basic safety practices and hazards related to the operation of wastewater treatment plants; wastewater constituents including simple and routine sampling and analysis procedures; procedures involved in operating and maintaining preliminary and primary treatment facilities including sludge digestion and disinfection; specifics regarding the operation of stabilization ponds; and state regulations regarding the classification of wastewater treatment plants and operator certification.~~

~~(2) Grade II examinations shall contain questions regarding knowledge of those components of the Grade I examination as prescribed in (1) above; commonly used processes for preliminary, primary, and secondary treatment including disinfection, sludge handling, and digestion; routine sampling and analysis procedures for evaluation of process and overall plant performance; and basic supervision responsibilities.~~

~~(3) Grade III examinations shall contain questions regarding knowledge of those components of the Grade I and II examinations as prescribed in (1) and (2) above; limitations, controls, and performance calculations for primary and secondary treatment and sludge handling processes; basic principles of tertiary treatment processes; state regulations regarding water recycling; and public health issues.~~

~~(4) Grade IV examinations shall contain questions regarding knowledge of those components of the Grade I, II, and III examinations as prescribed in (1), (2), and (3) above; limitations, controls, and performance calculations for tertiary treatment processes; wastewater treatment requirements and practices for water reclamation and reuse; supervision and management responsibilities including energy~~

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~~management, safety program development and control, and operator training and budget development and control.~~

~~(5) Grade V examinations shall contain questions regarding knowledge of those components of the Grades I, II, III, and IV examinations as prescribed in (1), (2), (3), and (4) above.~~

~~(c) Frequency – A minimum of two examinations shall be given each year.~~

~~(d) Dishonest conduct – An applicant who engages in dishonest conduct during an examination shall have his or her examination materials confiscated, shall not have the examination graded, and shall be denied the opportunity to take the next scheduled examination. The application and examination fees paid by the applicant shall not be refunded. The applicant also may be subject to administrative sanctions pursuant to Article 7 and Section 13627 of the Water Code.~~

~~(e) Confidentiality of examination questions – Examination questions are confidential. Any person who copies questions or removes all or part of any examination from the examination room or who conveys or exposes all or part of any examination for an unauthorized use may be denied certification pursuant to the provisions of Article 7. The applicant also may be subject to administrative sanctions pursuant to Article 7 and Section 13627 of the Water Code.~~

~~(f) Notification of results – Within 90 calendar days after an examination, the division shall notify applicants in writing whether they have passed or failed the examination.~~

~~(1) If an applicant fails the examination, he or she may be eligible to take a subsequent examination upon request and upon submitting an application and examination fee prescribed by Article 8. The request for re-examination must be postmarked by the final filing date set forth in Section 3700.~~

~~(2) An applicant who passes the examination and who had completed the education and experience requirements before taking the examination shall be instructed in the notice of examination results to remit the applicable certification fee. Within 30 calendar days of receiving the certification fee, the division shall issue the operator certificate.~~

~~(3) An applicant who passes the examination before completing the experience requirements shall apply for certification upon completing the requirements in accordance with the provisions of Section 3702.~~

~~(g) Expiration of examination results – Examination results are valid for four years from June 30 or December 31 following the examination (whichever date is sooner).~~

Authority: Sections 1058 and 13628, Water Code.

Reference: Sections 13627, 13628, 13629, Water Code; and Section 15376, Government Code.



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## ~~§ 3702. Application for Certification.~~

~~(a) If an applicant is qualified for certification at the time of the examination, and has documented such qualification in the application for examination, no application for certification is required. However, if an applicant must gain experience after the final filing date for the examination before being eligible for certification, an application for certification is required in accordance with the provisions of this section.~~

~~(b) An application for certification shall include but not be limited to:~~

~~(1) the applicant's full name, mailing address, work telephone number, and date of birth;~~

~~(2) all employment, education, and experience information not reported on the application for examination, including current employment and current operator status;~~

~~(3) the date when the applicant passed the examination;~~

~~(4) information regarding current employment and current operator status;~~

~~(5) the applicant's original signature;~~

~~(6) if employed at a wastewater treatment plant, the chief plant operator's original signature; AND,~~

~~(7) the certification fee prescribed by Article 8.~~

Authority: Sections 1058 and 13628, Water Code.

Reference: Section 13628, Water Code; and Section 15376, Government Code.

## ~~§ 3702.1. Issuance of Certificates.~~

~~(a) Operator certificates issued by the division shall contain, but not be limited to the following:~~

~~(1) The operator's name and grade;~~

~~(2) The certificate number;~~

~~(3) The issue date of the certificate;~~

~~(4) The State Water Board seal;~~

~~(5) The name, "State Water Resources Control Board"; and~~

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~~(6) The signature of a board member or board member designee.~~

~~(b) Upon successful completion of the application and examination process and within 30 calendar days of payment of the certification fee prescribed by Article 8, the board shall issue an operator certificate or operator-in-training certificate.~~

~~(c) The issue date of a certificate shall be the date of receipt of an application for examination and certification which meets the requirements of these regulations.~~

~~(d) The division may refuse to issue a certificate if it has determined that the applicant has committed any act which is grounds for disciplinary action as specified in section 3710.~~

Authority: Sections 1058 and 13628, Water Code.

Reference: Section 13628, Water Code; and Section 15376, Government Code.

### ~~§ 3702.2. Application for Certificate Renewal.~~

~~(a) Renewal dates – Except as specified in Subsection 3709(d), operator certificates are renewable every two years. Certificates issued for applications with a postmark between May 1 and October 31 shall have a renewal date of June 30. Certificates issued for applications with a postmark between November 1 and April 30 shall have a renewal date of December 31.~~

~~(b) Division notice – At least 60 calendar days prior to expiration of an operator certificate, the division shall provide written notification of the expiration date to the certificate holder at his or her address of record. Failure to receive a notice of renewal does not relieve the certificate holder from the responsibility of renewing a certificate on or before the expiration date.~~

~~(c) Content – An application for renewal shall include, but not be limited to:~~

~~(1) the applicant's name, mailing address, grade, certificate number, and classification or title;~~

~~(2) if employed by a wastewater treatment plant as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed and the name of the supervisor;~~

~~(3) the renewal fee prescribed by Article 8.~~

~~(d) Submittal – A certificate holder who wishes to renew a certificate shall submit to the division a completed application as specified in subsection (c) of this section. The application shall be postmarked no later than the expiration date on the certificate holder's renewal card.~~

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~~(e) Division review – Within 15 calendar days of receipt of an application for renewal, the division shall notify the certificate holder if the application is deficient. If there is a deficiency, the division shall inform the certificate holder by telephone or letter of the specific information necessary to complete the application for renewal. Deficiencies will not prevent the Office of Operator Certification from issuing a new certificate if the application and fee are postmarked by the expiration date of the certificate.~~

Authority: Sections 1058 and 13628, Water Code.

Reference: Section 13628, Water Code; and Section 15376, Government Code.

### ~~§ 3702.3. Issuance of Renewal Certificate.~~

~~An operator certificate shall indicate the first expiration date of the certificate. Thereafter, a renewal certificate shall be issued in accordance with the provisions of Section 3702.2 and this section.~~

~~(a) Within 30 calendar days of receipt of a completed application for renewal, the division shall issue a renewal certificate or inform the applicant of the reason the card will not be issued.~~

~~(b) The renewal certificate shall not be issued until any unpaid fees have been paid.~~

~~(c) The division may refuse to renew a certificate if it has determined that the applicant has operated a wastewater treatment plant while the operator certificate was expired or at a grade for which the applicant was not certified or that the applicant has committed any act which is grounds for disciplinary action.~~

~~(d) A renewal certificate shall contain, but not be limited to the following:~~

~~(1) The certificate holder's name and address;~~

~~(2) The certificate number and grade;~~

~~(3) The expiration date of the certificate.~~

Authority: Sections 1058 and 13628, Water Code.

Reference: Section 13628, Water Code; and Section 15376, Government Code.

### ~~§ 3702.4. Reinstatement.~~

~~(a) An expired operator certificate may be reinstated within one year following the expiration of the certificate, provided the holder of the expired certificate applies for renewal and reinstatement as prescribed by Subsection (b) of this section. A certificate which has been expired for more than one year shall not be reinstated. If the applicant wishes to become certified again, he or she must meet all requirements for an initial~~

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~~operator certificate.~~

~~(b) The application for reinstatement shall be considered complete when it includes the renewal and reinstatement fees prescribed by Article 8 and all the information required to renew the certificate as prescribed by Section 3702.2.~~

~~(c) The division may refuse to reinstate a certificate if it has determined that the applicant has operated a wastewater treatment plant while his or her certificate was expired or at a grade for which he or she was not certified or has committed any act which is grounds for disciplinary action.~~

~~(d) The expiration date of a reinstated certificate shall remain the same as if the certificate had not expired.~~

~~Authority: Sections 1058 and 13628, Water Code.~~

~~Reference: Section 13628, Water Code; and Section 15376, Government Code.~~

### ~~§ 3702.5. Replacement.~~

~~A certificate which has been lost, stolen, or destroyed may be replaced by the division provided the operator or operator-in-training submits a signed statement explaining the circumstances of the loss, theft or destruction of the certificate. A replacement fee prescribed by Article 8 must be submitted with the signed statement.~~

~~Authority: Sections 1058 and 13628, Water Code.~~

~~Reference: Section 13628, Water Code; and Section 15376, Government Code.~~

### ~~§ 3703. Posting Certificates.~~

~~Certified operators and operators-in-training shall display their valid certificates with renewal cards attached at the wastewater treatment plant where employed.~~

~~Authority: Section 1058, Water Code.~~

~~Reference: Sections 13627 and 13628, Water Code; and Section 15376, Government Code.~~

### ~~§ 3704. Reciprocity with Other States.~~

~~(a) The division may issue Grades I and II operator certificates by reciprocity in accordance with the procedures set forth in Article 5. No examination or examination fee will be required of persons who hold comparable certifications in other states, provided:~~

~~(1) the experience and education requirements of that state are comparable to the division's requirements;~~

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~~(2) the applicant has passed a written examination within the preceding four years in another state that is comparable to the examination given by the division;~~

~~(3) reciprocal privileges are granted by the other state to operators certified by the division;~~

~~(4) the applicant completes an application for operator certification and meets the minimum qualifications for certification in California; and,~~

~~(5) the applicant pays the application, certification, and reciprocity fees prescribed by Article 8.~~

~~(b) The division may refuse to issue an operator's certificate by reciprocity if it has determined that the applicant's certificate to operate a wastewater treatment plant has been revoked or suspended in another state, or if the applicant has been otherwise disciplined in another state for any of the violations set forth in Section 3710.~~

Authority: Section 1058, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### **Article 5. Minimum Qualifications for Wastewater Treatment Plant Operator Certification**

#### **§ 3683. Qualifying Experience Credit.**

(a) An operator who has acquired at least one year of full-time qualifying experience at a wastewater treatment plant may receive qualifying experience credits as follows:

(1) An operator may receive a one-time credit for one year of full-time qualifying experience if the operator:

(A) has acquired 3,600 or more hours of experience in the operation of a water treatment plant regulated by the California Department of Public Health, another state, a territory, or an Indian tribe;

(B) possessed a valid water treatment plant operator certificate at the time the experience was acquired; and

(C) has acquired 3,600 or more hours of experience using two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation, and disinfection.

(2) An operator may receive a one-time credit for one year of full-time qualifying experience if the operator has acquired 3,600 or more hours of experience in one or more of the following areas:

(A) developing wastewater treatment plant operations and maintenance, safety,

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or laboratory procedure manuals;

(B) conducting training in wastewater treatment plant operations, safety, or laboratory procedures;

(C) developing, testing, and evaluating process control strategies to optimize wastewater treatment plant performance; or

(D) performing physical, chemical, and biological processes that are comparable to the duties of an operator at a wastewater treatment plant.

(3) Each time an operator moves to a higher grade level, he or she may make an irrevocable election to substitute 16 educational points for one year of full-time qualifying experience. Educational points used to substitute for qualifying experience may not be used to satisfy education requirements in the Operator Certification Requirements Table in section 3686.

(b) Unless otherwise specified by this chapter, the Office of Operator Certification shall give qualifying experience credit for experience acquired at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator at a wastewater treatment plant and provided that during the time of employment, the applicant held a valid, unexpired certification of the appropriate grade level issued by a certifying body and the certification requirements are comparable to the requirements of this chapter. Evaluation of the experience shall be based on the actual work performed by the applicant without respect to job title.

(c) Upon passing a written examination, each person applying for a certificate in accordance with section 3680.1 who is employed at a privately owned wastewater treatment plant before the effective date of section 3680.1, shall be credited with a minimum of one year of full-time qualifying experience.

(1) If the applicant provides documentation of more than one year of experience while employed at a privately owned facility used primarily in the treatment or reclamation of sewage, and for which the State Board or a Regional Board has issued waste discharge requirements, provided the duties are comparable to the duties of an operator at a wastewater treatment plant and the owner verifies the experience, the applicant may receive additional qualifying experience credit.

(2) An applicant also may receive qualifying experience credit in accordance with subdivisions (a) and (b).

Authority: Sections 1058, 13627, and 13627.5, Water Code.

Reference: Sections 13627 and 13627.5, Water Code.

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### § 3684. Educational Points.

- (a) Pursuant to the provisions of this article, applicants may be required to obtain educational points to qualify for certification. Operators may receive educational points for completing wastewater treatment courses or science courses as follows:
- (1) One three-unit semester course completed as part of the curriculum of an accredited college or university is equal to eight educational points. Operators who have completed courses that result in more or less than three units or in quarter units rather than semester units shall be credited with educational points on a prorated basis.
  - (2) One Continuing Education Unit awarded by a professional association or other nonprofit private or public agency accredited by the International Association for Continuing Education and Training is equal to one educational point.
  - (3) For any other course given approval by the Office of Operator Certification, ten classroom hours are equal to one educational point.
- (b) At Grades III, IV, and V, operators may earn up to sixteen educational points for completing management courses. An operator may not earn more than four educational points in each type of management course. Educational points for a management course may be earned as follows:
- (1) One completed three-unit semester course that is part of the curriculum of an accredited college or university is equal to four educational points. Operators who have completed courses that result in more or less than three units or in quarter units rather than semester units shall be credited with educational points on a prorated basis.
  - (2) Two Continuing Education Units awarded by a professional association or other nonprofit private or public agency that is accredited by the International Association for Continuing Education and Training are equal to one educational point.
  - (3) For any other course given approval by the Office of Operator Certification, twenty classroom hours are equal to one educational point.
- (c) Applicants may not substitute experience for educational points.

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 13627 and 13629, Water Code.

### § 3685. High School Equivalence.

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Passing an approved General Educational Development Test, or obtaining a Certificate of Proficiency issued by the Board of Education in accordance with Section 48412 of the Education Code, are equivalent to obtaining a high school diploma.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3686. Education and Experience Requirements.

(a) The education and experience requirements in this section only apply to new applications for an operator certificate. Operators holding a valid, unexpired certificate that was issued before the effective date of this section do not need to meet these requirements in order to renew their certificate.

(b) The Office of Operator Certification shall issue a certificate if the applicant:

(1) has completed one of the education and experience paths prescribed in this section; and

(2) has passed an examination at the appropriate grade level or higher and the applicant's examination results have not expired, or has obtained an examination waiver in accordance with section 3689.

(c) Eligibility for certification shall be based on the education and experience requirements in the Operator Certification Requirements Table below for each wastewater treatment plant operator grade level.

(1) The Office of Operator Certification may award an operator educational points for completing wastewater treatment, science, or management courses in accordance with section 3684.

(2) The Office of Operator Certification may accept comparable education obtained outside of the United States to satisfy the educational requirements listed below.

(3) Full-time qualifying experience shall be earned at a wastewater treatment plant in accordance with the definitions of "full time" and "qualifying experience" in section 3671. Operators shall acquire qualifying experience on a prorated basis if they spend less than full time performing job duties that meet the definition of qualifying experience. In addition, the Office of Operator Certification may award operators credit for full-time qualifying experience in accordance with section 3683.

### **OPERATOR CERTIFICATION REQUIREMENTS TABLE**



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<u>PATH</u>	<u>EDUCATION</u>		<u>QUALIFYING EXPERIENCE</u>
<u>GRADE I</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>1 year of full-time qualifying experience</u>
<u>GRADE II</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>18 months of full-time qualifying experience as a Grade I operator</u>
<u>2</u>	<u>High school diploma or equivalent and 6 educational points</u>	<u>and</u>	<u>2 years of full-time qualifying experience</u>
<u>3</u>	<u>Associate's degree, a higher degree, or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>1 year of full-time qualifying experience</u>
<u>GRADE III</u>			
<u>1</u>	<u>High school diploma or equivalent</u>	<u>and</u>	<u>3 years of full-time qualifying experience as a Grade II operator</u>
<u>2</u>	<u>High school diploma or equivalent and 16 educational points</u>	<u>and</u>	<u>4 years of full-time qualifying experience</u>
<u>3</u>	<u>Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>2 years of full-time qualifying experience</u>
<u>4</u>	<u>Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses</u>	<u>and</u>	<u>1 year of full-time qualifying experience</u>

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<u>GRADE IV</u>			
<u>1</u>	<u>High school diploma or equivalent and 32 educational points</u>	<u>and</u>	<u>6 years of full-time qualifying experience</u>
<u>2</u>	<u>Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>4 years of full-time qualifying experience</u>
<u>3</u>	<u>Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses</u>	<u>and</u>	<u>3 years of full-time qualifying experience</u>
<u>4</u>	<u>Valid registration as a chemical, civil, or mechanical engineer issued by the California Board of Registration for Professional Engineers and Land Surveyors or by another state, territory, or Indian tribe</u>	<u>and</u>	<u>2 years of full-time qualifying experience</u>
<u>GRADE V</u>			
<u>1</u>	<u>High school diploma or equivalent and 48 educational points</u>	<u>and</u>	<u>10 years full-time qualifying experience</u>
<u>2</u>	<u>Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses</u>	<u>and</u>	<u>6 years of full-time qualifying experience</u>
<u>3</u>	<u>Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses</u>	<u>and</u>	<u>5 years of full-time qualifying experience</u>
<u>4</u>	<u>Valid registration as a chemical, civil, or mechanical engineer issued by the California Board of Registration for</u>	<u>and</u>	<u>4 years of full-time qualifying experience</u>

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	<u>Professional Engineers and Land Surveyors or by another state, a territory, or an Indian tribe</u>		
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Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### **~~Article 6. Operators-in-Training.~~**

#### ~~§ 3707. Employment of an Operator in Training.~~

~~An agency may employ a person to act in the capacity of any grade of certified operator, provided the person is certified as an operator-in-training, is under the direct supervision of a certified operator of the same or higher grade, and is performing the duties of the grade of operator for which the certificate was issued.~~

Authority: ~~Sections 1058 and 13627, Water Code.~~

Reference: ~~Section 13635, Water Code~~

#### ~~§ 3708. Application for Operator in Training Examination and Certification.~~

~~(a) Persons may apply for examination and operator-in-training certification in accordance with the procedures set forth in Article 5.~~

~~(b) Applicants for Grade I operator-in-training certification may, but are not required to, pass the Grade I examination prior to issuance of the Grade I operator-in-training certificate.~~

~~(c) Persons may apply for operator-in-training certification at the Grades II, III, IV, and V levels if they:~~

~~(1) meet the minimum education requirements and could meet the minimum experience requirements for the grade for which they are applying as prescribed in Article 4 within four years of June 30 or December 31 following the examination (whichever date is sooner); and,~~

~~(2) pass the examination at the grade for which they are applying; and,~~

~~(3) make application for examination and operator-in-training certification in accordance with the procedures set forth in Sections 3700, 3701, and 3702 of Article 5; and,~~

~~(4) supply the name and telephone number of the supervising operator.~~

~~(d) Applications for operator-in-training certification at any grade must be signed by the~~

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~~chief plant operator of the plant where the operator in training is to be employed.~~

~~Authority: Sections 1058 and 13628, Water Code.~~

~~Reference: Sections 13627-13629, Water Code; and Section 15376, Government Code.~~

### ~~§ 3709. Issuance, Renewal, and Replacement of Operator in Training Certificates.~~

~~(a) Operator in training certificates shall be issued in the name of the applicant to the mailing address of the employing wastewater treatment plant. Operator in training certificates are valid only while the operator is employed at the plant for which the certificate was issued. The expiration date of the operator in training certificate shall not exceed the expiration date of the applicant's examination results.~~

~~(b) Operator in training certificates issued by the division shall contain but not be limited to the following:~~

~~(1) The name and grade of the operator in training;~~

~~(2) The issue date of the certificate; and,~~

~~(3) The name of the wastewater treatment plant at which the operator in training is to be employed.~~

~~(c) Operator in training certificates shall be issued, renewed, reinstated, and replaced in accordance with the provisions of Article 5 unless other specified in this article.~~

~~(d) Operator in training certificates at the Grade I level are valid for up to two years. If the Grade I operator passes the Grade I examination before the expiration of the Grade I operator in training certificate, that certificate may be renewed one time for two years. If the Grade I operator in training does not pass the Grade I examination before the expiration of the Grade I operator in training certificate, the Grade I operator in training certificate shall not be renewed. Operator in training certificates at the Grades II, III, IV, and V levels are valid for up to two years and may be renewed once pursuant to the provisions of Section 3702.2.~~

~~(e) A person certified as an operator in training at any grade must complete the education and experience requirements and obtain an operator certificate at that grade or higher before being eligible to apply for an operator in training certificate at a higher grade.~~

~~Authority: Sections 1058 and 13627, Water Code.~~

~~Reference: Section 13625, Water Code.~~

### **Article 6. Examination for Wastewater Treatment Plant Operators**

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### § 3689. Examination Waiver.

- (a) The Office of Operator Certification shall waive the examination requirement and the examination fee if the applicant holds a valid, unexpired certificate issued by a certifying body for a position comparable to that of an operator at a wastewater treatment plant, provided:
- (1) the experience, education, and examination requirements of the certifying body are comparable to the Office of Operator Certification's requirements as prescribed in article 5;
  - (2) the applicant meets the minimum education and qualifying experience requirements for the applicable grade level as prescribed in article 5;
  - (3) the applicant has passed a written examination, administered by the certifying body, that is comparable to the examination given by the Office of Operator Certification for the applicable grade of operator certification; and
  - (4) the applicant completes an application for operator certification and pays the certification and examination waiver fees prescribed in article 9.
- (b) The Office of Operator Certification may refuse to waive the examination requirement if it determines that: the applicant's certification has been revoked or suspended by a certifying body; the applicant has been otherwise disciplined, had administrative civil liability imposed upon him or her, or is under investigation by a certifying body; or the applicant had civil or criminal liability imposed upon him or her for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant.
- (c) An applicant for certification who has been issued an examination waiver shall receive qualifying experience credit in accordance with section 3683(b).

Authority: Section 1058, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 3700. Application for Examination.

- (a) A person may apply to take an examination at any grade level if he or she has completed the education required in section 3686 for that grade level before the final filing date for the examination. An application for an examination shall include:
- (1) the applicant's full name, mailing address, and telephone number;
  - (2) the applicant's original signature;

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- (3) a copy of a high school diploma or equivalent; college transcripts; graduate school transcripts; report cards; certificates of completion for wastewater treatment and management courses; and chemical, civil, or mechanical engineering registrations issued by California or another state, a territory, or an Indian tribe, to verify completion of education requirements;
- (4) additional information, evidence, statements, or documents to support the application for examination as requested by the Office of Operator Certification; and
- (5) the application fee for an examination and the examination fee as prescribed in article 9.
- (b) Applications for examination shall be received by the Office of Operator Certification by the final filing date as prescribed in section 3701(a). Complete applications received after the final filing date shall not be processed for the current examination, but shall be held over and processed for the next scheduled examination.
- (c) The Office of Operator Certification shall notify applicants in writing within 30 days of receipt of an application whether it is complete or deficient and shall identify any deficiency.
  - (1) If the deficiency is not corrected before the final filing date for the examination, the application shall not be approved. The applicant shall be required to complete a new application to take a subsequent examination and pay the application fee for an examination. If the applicant has paid the examination fee, it will be applied to a future examination.
- (d) An applicant who is scheduled to take an examination and wants to request a change of testing location or have the application held until the next examination date, must make the request at least 30 days before the scheduled examination. If the applicant fails to attend the next examination, he or she may apply to take a subsequent examination by submitting a new examination application and the application fee for examination.
- (e) An applicant who has paid the examination fee, but does not take an examination, may request a refund of the examination fee from the Office of Operator Certification.

Authority: Sections 1058, 13627, and 13628, Water Code.  
Reference: Sections 13627 and 13628, Water Code.

### § 3701. Examinations.

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(a) Examinations shall be given yearly in April and October. The final filing date for the April examination is February 1. The final filing date for the October examination is August 1.

(b) Written examinations for each wastewater treatment plant operator grade level shall test an applicant's knowledge of wastewater treatment plant operation. Mathematical problems related to process control and evaluation shall be included. The examination for each progressively higher grade level shall require more detailed knowledge of the subject matter.

(c) Content by grade:

(1) Grade I examinations shall test the applicant's knowledge of: basic safety practices and hazards related to wastewater treatment plant operation; wastewater constituents including simple and routine sampling and analysis procedures; procedures involved in operating and maintaining preliminary and primary treatment facilities including sludge digestion and disinfection; specifics regarding the operation of stabilization ponds; and state regulations regarding wastewater treatment plant classification, waste discharge requirements, and operator certification.

(2) Grade II examinations shall test the applicant's knowledge of: the components of the Grade I examination as prescribed in (1) above; commonly used processes for preliminary, primary, and secondary treatment including disinfection, sludge handling, and digestion; routine sampling and analysis procedures for evaluation of process and overall wastewater treatment plant performance; and basic supervision responsibilities.

(3) Grade III examinations shall test the applicant's knowledge of: the components of the Grade II examination as prescribed in (2) above; limitations, controls, and performance calculations for primary and secondary treatment and sludge-handling processes; basic principles of tertiary treatment processes; state regulations regarding water recycling; and public health issues.

(4) Grade IV examinations shall test the applicant's knowledge of: the components of the Grade III examination as prescribed in (3) above; limitations, controls, and performance calculations for tertiary treatment processes; requirements and practices for water reclamation and reuse; supervision and management responsibilities including energy management, safety program development and control, operator training, and budget development and control.

(5) Grade V examinations shall test the applicant's knowledge of the components of the Grade IV examination as prescribed in (4) above as applied in more difficult and complex situations.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

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### § 3701.1. Examination Security.

- (a) An applicant shall be required to present photographic identification issued by a state or federal governmental entity to gain admission to the examination.
- (b) An applicant who engages in dishonest conduct during an examination shall have his or her examination materials confiscated, shall not have the examination graded, shall be denied the opportunity to take the next scheduled examination, and shall be subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to section 3710. The examination fee paid by the applicant shall not be refunded.
- (c) Examination questions are confidential. Any person who copies questions or removes any examination material from the examination room or who conveys or reveals all or part of any examination for an unauthorized use may be denied certification pursuant to the provisions of section 3710. The applicant also is subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to section 3710.

Authority: Sections 1058 and 13627.1, Water Code.

Reference: Section 13627.1, Water Code.

### § 3701.2. Examination Results.

- (a) Within 90 days after an examination, the Office of Operator Certification shall send a notice of the examination results in writing to the applicant.
- (b) An applicant who fails an examination may be eligible to take a subsequent examination upon submitting the examination application and examination fee as prescribed in article 9. Requests for reexamination shall be received by the final filing date set forth in section 3701(a).
- (c) Passing examination results are valid for four years from the date on the notice of the examination results.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

## **Article 7. Prohibited Acts, Disciplinary Action, and Appeal Process Certification of Wastewater Treatment Plant Operators**



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### § 3702. Application for Certification.

- (a) An application for certification shall include the applicant's full name, mailing address, work and home telephone numbers, social security number, date of birth, the grade level of certification that is being requested; if currently certified, the operator's current grade level and certificate number, and all of the following information unless previously provided to the Office of Operator Certification:
- (1) a copy of college transcripts; graduate school transcripts; report cards, certificates of completion for wastewater treatment and management courses; and chemical, civil, or mechanical engineering registrations issued to the applicant by California or another state, a territory, or an Indian tribe, to verify completion of education requirements;
  - (2) the business address and telephone number of each wastewater treatment plant at which the applicant has acquired qualifying experience, including current employment, and the amount of qualifying experience acquired at each wastewater treatment plant;
    - (A) An applicant who is currently employed as an operator shall submit an original signed statement by the chief plant operator verifying the qualifying experience acquired at that wastewater treatment plant.
    - (B) An applicant who is not currently employed as an operator, but who meets all certifications requirements is not required to submit an original signature from a chief plant operator.
    - (C) An applicant who is a chief plant operator shall submit an original signed statement by the owner verifying the qualifying experience acquired at that wastewater treatment plant.
  - (3) a statement from the applicant regarding whether he or she has ever: had a certification or registration revoked or suspended by a certifying body; been otherwise disciplined, had administrative civil liability imposed upon him or her, or known that he or she is under investigation by a certifying body; or had civil or criminal liability imposed upon him or her for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant;
  - (4) information regarding any experience for which the applicant is requesting qualifying experience credit pursuant to section 3683;
  - (5) the applicant's original signature;

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(6) additional information, evidence, statements, or documents to support the application as requested by the Office of Operator Certification; and

(7) the certification fee prescribed in article 9.

(b) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 3702.1. Issuance of Certificates.

(a) An operator certificate shall include:

(1) the operator's name and grade level;

(2) the certificate number;

(3) the issue and expiration dates of the certificate;

(4) the State Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Board member or designee.

(b) Upon successful completion of the application and examination process and within 30 days of payment of the certification fee prescribed in article 9, the Office of Operator Certification shall issue an operator certificate. If an operator is employed at more than one wastewater treatment plant, the Office of Operator Certification shall issue duplicate operator certificates to the operator for posting at each plant.

(c) The Office of Operator Certification may refuse to issue a certificate if it determines that the applicant has committed any act in violation of this chapter.

(d) Operator certificates shall be valid for two years from the date of issue.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 3702.2. Application for Certificate Renewal.

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- (a) An operator certificate may be renewed repeatedly for two-year periods.
- (b) At least 60 days before the expiration of an operator certificate, the Office of Operator Certification shall send a written notice of the expiration date to the operator at his or her mailing address of record. Failure to receive a notice of renewal does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.
- (c) An application for renewal shall include:
  - (1) the applicant's name, mailing address, grade level, certificate number, and classification or title;
  - (2) if employed as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed, and the name of the chief plant operator; and
  - (3) the renewal fee prescribed in article 9.
- (d) Within 30 days of receipt of a renewal application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.
- (e) If there is a deficiency, and the deficiency is not corrected before expiration of the certificate, the Office of Operator Certification shall not issue a renewal certificate. After the applicant pays the reinstatement fee prescribed in section 3717, the Office of Operator Certification shall issue a new certificate if the requirements of section 3702.4 are met.

Authority: Sections 1058, 13627, and 13628, Water Code.  
Reference: Sections 13627 and 13628, Water Code.

### § 3702.3. Issuance of Renewal Certificate.

A renewal certificate shall be issued in accordance with the provisions of section 3702.2 and this section.

- (a) Within 30 days of receipt of a completed application for renewal and the renewal fee, the Office of Operator Certification shall issue a renewal certificate or inform the applicant of the reason the certificate shall not be issued.
- (b) The Office of Operator Certification may refuse to renew a certificate if it determines that the applicant has:
  - (1) operated a wastewater treatment plant with an expired operator certificate;

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(2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or

(3) committed any other act in violation of this chapter.

(c) A renewal certificate shall include:

(1) the operator's name and address;

(2) the certificate number and operator grade level;

(3) the issue date of the initial certificate and the expiration date of the renewal certificate;

(4) the State Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Board member or designee.

(d) The expiration date of a renewed certificate shall be two years from the expiration date of the certificate being renewed.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 3702.4. Reinstatement.

(a) An expired operator certificate may be reinstated within one year following expiration if the applicant applies for reinstatement as prescribed in this section.

(b) Experience acquired under the previous certificate will be credited to a new certificate.

(c) An application for reinstatement shall be considered complete when it includes the renewal and reinstatement fees prescribed in article 9 and all the information prescribed in section 3702.2.

(1) The applicant must provide a signed statement regarding whether he or she has ever: had a certification or registration issued by a certifying body revoked or suspended; been otherwise disciplined, had administrative civil liability imposed upon him or her, or known that he or she is under investigation by a certifying body; or had civil or criminal liability imposed upon him or her for any act associated with performing duties at a facility that treats wastewater in a state

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other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant.

(d) The Office of Operator Certification may refuse to reinstate a certificate if it determines that the applicant has:

(1) operated a wastewater treatment plant with an expired operator certificate;

(2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or

(3) committed any other act in violation of this chapter.

(e) The expiration date of a reinstated certificate shall be two years from the date of reinstatement of the certificate.

(f) A certificate that has been expired for more than one year shall not be reinstated. Upon passing another examination at the appropriate grade, an applicant whose certificate has been expired for more than one year may apply for a new certificate in accordance with section 3702.

Authority: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 3702.5. Reporting Requirements for Operators.

An operator shall notify the Office of Operator Certification within 30 days of the date a certifying body or court takes final action: to discipline the operator; to impose administrative civil; or to impose civil or criminal liability for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant, the operator shall notify the Office of Operator Certification of this action within 30 days of the date the certifying body or court takes final action.

Authority: Sections 1058 and 13627, Water Code.

Reference: Section 13627, Water Code.

### § 3702.6. Replacement.

A lost, stolen, damaged, or destroyed certificate may be replaced by the Office of Operator Certification if the operator or operator-in-training signs and submits a statement explaining the circumstances of the loss, theft, damage, or destruction and submits the replacement fee prescribed in article 9.

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Authority: Sections 1058 and 13628, Water Code.

Reference: Section 13628, Water Code.

## § 3702.7 Unpaid Fees and Administrative Civil Liability.

The Office of Operator Certification shall not issue, renew, reinstate, or replace a certificate if the operator or operator-in-training has not paid all fees and administrative civil liability owed to the State Board.

Authority: Sections 1058, Water Code.

Reference: Section 13627, Water Code.

## § 3703. Posting Certificates.

Operators and operators-in-training shall display their valid certificates in an area accessible to the public at each wastewater treatment plant where employed. If no area is accessible to the public, the certificates shall be posted in an accessible area at the wastewater treatment plant owner's headquarters.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

## **Article 8. Administrative Civil Liability, Disciplinary Action, Appeal, and Petition Process**

### § 3709. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivisions (b) or (c) may be imposed administratively in accordance with article 2.5 (commencing with section 13323) of chapter 5 of division 7 of the Water Code.

(b) The State Board may impose administrative civil liability in an amount not to exceed \$100 for each day of violation upon:

(1) any person who operates a wastewater treatment plant without holding a valid, unexpired certificate at the appropriate grade level as required by this chapter; or

(2) any person who owns or operates a wastewater treatment plant that employs, or allows the employment of, any person as an operator who does not hold a valid, unexpired certificate of the appropriate grade level as required by this chapter.

(c) The State Board may impose administrative civil liability in an amount not to exceed \$5,000 for each violation upon any person for any of the following acts:

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- (1) employing fraud or deception in the course of operating a wastewater treatment plant;
- (2) failing to use reasonable care or judgment in the operation of a wastewater treatment plant;
- (3) willfully or negligently violating, or causing, or allowing the violation of waste discharge requirements;
- (4) submitting false or misleading information to the State Board on an application for a certificate; or
- (5) engaging in dishonest conduct during an examination.

Authority: Sections 13627.1, 13627.2, and 13627.4, Water Code.

Reference: Sections 13323, 13627.1, 13627.2, and 13627.4, Water Code.

### § 3710. Grounds for Discipline-Disciplinary Action.

- (a) ~~A certified operator or operator-in-training may be subject to administrative sanctions including reprimand or denial, suspension, probation, or revocation of a certificate pursuant to Section 13627 of the Water Code for~~ The State Board may refuse to grant, suspend, or revoke an operator or operator-in-training certificate or may reprimand or place on probation an operator or operator-in-training upon any reasonable ground, including performing, or allowing or causing another to perform, any of the following acts:
- (1) ~~willfully or negligently violating, causing, or allowing a violation of these regulations~~ this chapter;
  - (2) ~~without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the a grade level necessary for the position or whose operator or operator-in-training certificate has expired;~~
  - (3) ~~submitting false or misleading information on any document provided to the division~~ State Board staff including applications for examination, certification, or renewal, or reinstatement, or providing false or misleading information to State Board staff during an investigation of a possible violation of this chapter;
  - (4) ~~engaging in dishonest conduct during an examination; or violating confidentiality of examination questions;~~
  - (5) ~~using fraud or deception in the course of employment as an operator~~ or operator-in-training;

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- (6) failing to use reasonable care or good judgment in the course of employment as an operator or operator-in-training or failing to apply knowledge or ability in the performance of duties;
  - (7) willfully or negligently ~~causing or violating, or causing, or~~ allowing the violation of appropriate waste discharge requirements as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, ~~or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit;~~
  - (8) failing to notify, as required by section 3682.3 or 3702.5, the Office of Operator Certification within 30 days of the date that a certifying body or court takes one of the following final actions: discipline by a certifying body; imposition of administrative civil liability; or imposition of civil or criminal liability for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant;
  - (9) without regard to intent or negligence, operating a wastewater treatment plant without posting a valid operator or operator-in-training certificate as required by section 3703; or
  - (10) committing any act that is a reasonable ground for disciplinary action pursuant to this chapter if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant and the act would be a reasonable ground for a disciplinary action pursuant to this chapter if associated with performing duties at a wastewater treatment plant.
- (b) A chief plant operator may be subject to the disciplinary actions specified in subsection-subdivision (a) for willfully or negligently failing to ensure that an operator-in-training is directly-supervised directly as required by section 3707-3682.

Authority: Sections 1058 and 13627, Water Code.

Reference: Sections 185, 13260 and 13627, Water Code; and Title IV, 33 USC, Section 1342 (Clean Water Act).

### § 3711. Appeals of Discretionary Decisions made by the Office of Operator Certification.

- (a) Applicants, or certificate holders operators, operators-in-training, or owners may appeal to the Deputy Director of the Division for review of a discretionary decisions made by the Office of Operator Certification or Office of Enforcement regarding denial of an application, denial of an exemption for a Class I wastewater treatment plant, or the results of an examination, or disciplinary action taken.



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(b) Appeals must shall be in writing and postmarked within 30 calendar shall be received by the Deputy Director of the Division within 45 days of receipt of the Office of Operator Certification or Office of Enforcement decision. Appellants must include with their requests, all documents and evidence to be considered by division staff in its review of the appeal the date of the decision being appealed.

(c) An appeal shall contain:

(1) the name, address, telephone number, and email address (if available) of the appellant;

(2) a copy of the decision that the appellant is appealing;

(3) a full and complete statement of the reasons why the decision being appealed is erroneous, inappropriate, or improper; and

(4) the specific action that the appellant seeks from the Deputy Director of the Division.

(d) The appeal shall be sent to the Deputy Director of the Division, with a copy sent to the Office of Operator Certification.

Authority: Section 1058, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### § 37123711.1. Action by the Deputy Director of the Division.

~~After consideration of an appeal and within 30 calendar days of receipt of the appeal, Office of Operator Certification staff or Office of Enforcement staff shall make a recommendation to the division chief. The division chief shall review the evidence and the Office of Operator Certification or Office of Enforcement recommendation and shall make a determination within 30 calendar days of receipt of the recommendation. The determination shall be in writing, labeled as the division chief's determination, and shall inform the appellant that the determination is final and conclusive unless the appellant petitions the board for review in accordance with the provisions of Section 3713.~~

(a) The Office of Operator Certification may file a recommendation regarding an appeal with the Deputy Director of the Division within 30 days of receiving a copy of the appeal. The Deputy Director may allow additional time for the Office of Operator Certification to file a recommendation. The Office of Operator Certification shall provide a copy of its recommendation to the appellant.

(b) The Deputy Director of the Division shall review the evidence and any recommendation filed by the Office of Operator Certification and shall make a Final Division Decision within 90 days of receipt of the appeal. The Final Division

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Decision shall inform the appellant that the decision is final and conclusive unless the appellant petitions the State Board for review in accordance with the provisions of section 3711.2.

(c) The Deputy Director of the Division may at any time, on the Deputy Director's own motion, issue a Final Division Decision.

Authority: Section 1058, Water Code.

Reference: Sections 13627 ~~and 13628~~, Water Code.

### § 37133711.2. Petition for Review of a Final Division Decision by the State Board.

~~(a) An appellant who wishes to appeal the division chief's determination~~ applicant, operator, operator-in-training, or owner ~~may petition the board~~ State Board ~~for a review of a Final Division Decision.~~ The petition must shall be in writing and postmarked and shall be received no later than 30 calendar days after the date of receipt of the determination by the appellant Final Division Decision.

~~(b) A petition for review by the board~~ State Board ~~shall contain:~~

~~(1) the name, and address, telephone number, and email address (if available) of the appellant petitioner;~~

~~(2) the appellant's argument against the Officer of Operator Certification or Office of Enforcement decision and the division chief's determination~~ a copy of the Final Division Decision that the petitioner is requesting the State Board to review;

~~(3) a full and complete statement by the petitioner of the reasons why the Final Division Decision is erroneous, inappropriate, or improper; and~~

~~(34) the specific action which the appellant that the petitioner seeks from the board~~ State Board.

~~(c) The petition shall be sent to the State Board Chair, with copies sent to the Chief Counsel of the State Board, and the Deputy Director of the Division.~~

~~(c) The appellant may make a written request for a hearing for the purpose of presenting evidence not considered by the division or for presenting oral arguments or both. Any request to present evidence not provided to the division must include a statement as to why the evidence was not presented to the division.~~

~~(d) If the petitioner requests that the State Board consider evidence not previously provided to the Deputy Director of the Division, the request must include a statement that additional evidence is available that was not presented to the Deputy Director. The request to present additional evidence shall include a copy of the evidence and a detailed statement of the nature of the evidence and of the facts to be proved. The~~

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request also shall provide a detailed explanation of the reasons why the evidence could not previously have been submitted. A request to consider additional evidence shall be submitted at the time the petition is filed or as soon as the evidence becomes available.

(e) The petitioner may request that the State Board conduct a hearing to consider testimony, other evidence, and argument. The request shall be supported by a summary of contentions to be addressed or evidence to be introduced and a showing of why the contentions or evidence have not been previously or adequately presented. A request to conduct a hearing shall be submitted at the time the petition is filed or as soon as possible thereafter.

(f) Service of a petition may be made by U.S. mail, hand delivery, facsimile with hard copy to follow, or by e-mail by prior arrangement with hard copy to follow. [In the case of service by facsimile, only the petition itself shall be sent. All exhibits shall be included with the hard copy.] The petition shall be received by the State Board no later than 5:00 p.m., 30 days following the date of the Final Division Decision, except that if the 30th day following the date of the Final Division Decision falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Board no later than 5:00 p.m. on the first business day following.

Authority: Section 1058, Water Code.

Reference: Sections 13627 ~~and 13628~~, Water Code.

### §3712. Requests for Reconsideration of Proposed Disciplinary Action Letters.

(a) A proposed disciplinary action letter is final and conclusive unless the applicant, operator, or operator-in-training requests that the Director of the Office of Enforcement reconsider a proposed disciplinary action letter issued by the Office of Enforcement.

(b) Requests for reconsideration shall be in writing and shall be received by the Director of the Office of Enforcement within 45 days of the date of the proposed disciplinary action letter.

(c) A request for reconsideration shall contain:

(1) the name, address, telephone number, and email address (if available) of the requestor;

(2) a copy of the proposed disciplinary action letter;

(3) a full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and

(4) the specific action that the requestor seeks from the Director of the Office of Enforcement.

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Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

## § 3712.1. Action by the Director of the Office of Enforcement.

- (a) The Director of the Office of Enforcement shall review the evidence and make a Final Office of Enforcement Decision within 90 days of receipt of the request for reconsideration. The Final Office of Enforcement Decision shall inform the requestor that the decision is final and conclusive unless the requestor petitions the State Board for review in accordance with the provisions of section 3712.2.
- (c) The Director of the Office of Enforcement may at any time, on the Director's own motion, issue a Final Office of Enforcement Decision.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

## § 3712.2. Petition for Review of a Final Office of Enforcement Decision by the State Board.

- (a) An applicant, operator, operator-in-training, or owner may petition the State Board for a review of the Final Office of Enforcement Decision. The petition shall be in writing and shall be received no later than 30 days after the date of the Final Office of Enforcement Decision.
- (b) A petition for review by the State Board shall contain:
  - (1) the name, address, telephone number, and email address (if available) of the petitioner;
  - (2) a copy of the Final Office of Enforcement Decision that the petitioner is requesting the State Board to review;
  - (3) a full and complete statement of the reasons why the Final Office of Enforcement Decision is erroneous, inappropriate, or improper; and
  - (4) the specific action the petitioner seeks from the State Board.
- (c) The petition shall be sent to the State Board Chair, with copies sent to the Chief Counsel of the State Board, and the Director of the Office of Enforcement.
- (d) If the petitioner requests that the State Board consider evidence not previously provided to the Director of the Office of Enforcement, the request must include a

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statement that additional evidence is available that was not presented to the Director. The request to present additional evidence shall include a copy of the evidence and a detailed statement of the nature of the evidence and of the facts to be proved. The request also shall provide a detailed explanation of the reasons why the evidence could not previously have been submitted. A request to consider additional evidence shall be submitted at the time the petition is filed or as soon as the evidence becomes available.

(e) The petitioner may request that the State Board conduct a hearing to consider testimony, other evidence, and argument. The request shall be supported by a summary of contentions to be addressed or evidence to be introduced and a showing of why the contentions or evidence have not been previously or adequately presented. A request to conduct a hearing shall be submitted at the time the petition is filed or as soon as possible thereafter.

(e) Service of a petition may be made by U.S. mail, hand delivery, facsimile with hard copy to follow, or by e-mail by prior arrangement with hard copy to follow. [In the case of service by facsimile, only the petition itself shall be sent. All exhibits shall be included with the hard copy.] The petition shall be received by the State Board no later than 5:00 p.m., 30 days following the date of the Final Office of Enforcement Decision, except that if the 30th day following the date of the Final Office of Enforcement Decision falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Board no later than 5:00 p.m. on the first business day following.

Authority: Section 1058, Water Code.  
Reference: Section 13627, Water Code.

### § 37143713. Defective Petitions.

~~Within 30 calendar days of receipt by the board of a petition which does not comply with the provisions of Section 3713, the board shall notify the appellant in writing in what respect the petition is defective and that an amended petition must be postmarked within 30 calendar days of receipt of notice of the deficiency. If a properly amended petition is not postmarked within 30 calendar days, the petition shall be dismissed unless the appellant can show good cause for an extension of time.~~

(a) Upon receipt of a petition that does not comply with section 3711.2 or 3712.2 of this chapter, the State Board shall notify the petitioner of the manner in which the petition is defective and the time within which an amended petition may be filed.

(b) If a properly amended petition is not received by the State Board within the time allowed, the petition shall be dismissed unless good cause is shown for an extension of time.

Authority: Section 1058, Water Code.

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Reference: Sections 13627 ~~and 13628~~, Water Code.

## § 37153714. Action by the State Board on a Petition.

- (a) ~~After consideration of the appellant's petition and the division chief's determination, the board shall~~ The State Board may:
- (1) ~~at any time, refuse to review the Final Division Decision or Final Office of Enforcement Decision if the consider the petition if it does not meet the requirements of Sections 3713 and 3714 fails to raise substantial issues that are appropriate for review; or,~~
  - (2) ~~deny the appellant's petition upon a finding that the division chief's determination~~ Final Division Decision or Final Office of Enforcement Decision was appropriate and proper; or,
  - (3) ~~set aside or modify the division chief's determination~~ Final Division Decision or Final Office of Enforcement Decision; or,
  - (4) ~~direct the division to take other appropriate action~~ take any other action the State Board deems appropriate.
- (b) The executive director may, on behalf of the State Board, refuse to review the Final Division Decision or Final Office of Enforcement Decision if the petition fails to raise substantial issues that are appropriate for review
- (b) ~~Before taking final action, the board may, in its discretion, Except where an evidentiary hearing is required by law, the State Board may in its discretion, hold a hearing for the purpose of oral argument or receipt of additional evidence or both before taking final action on the petition, or the board may provide for an informal meeting between the appellant, division staff, and one or more members of the board and other persons as the board deems suitable for the purpose of attempting to resolve the dispute between the appellant and the division.~~
- (c) ~~If a hearing is scheduled held, the board shall mail a notice to the appellant indicating the date, time, and place of the hearing and of the issues to be considered. The hearing shall be conducted in a manner deemed most suitable for securing all relevant evidence without unnecessary delay it shall be conducted in accordance with California Code of Regulations, title 23, chapter 1.5, article 2.~~

Authority: Section 1058, Water Code.

Reference: Sections 13627 ~~and 13628~~, Water Code.

## § 3715. Workshop Meeting.

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The State Board may discuss a proposed order in response to a petition for review of a Final Division Decision or Final Office of Enforcement Decision in a public workshop meeting prior to formal action at a board meeting. Comments may be submitted in writing before the workshop meeting. At the workshop meeting, the State Board may invite comments on the proposed order from interested persons. All comments shall be based solely upon evidence contained in the record or upon legal argument.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

### § 3716. Formal Disposition.

Unless denied by the executive director pursuant to section 3714, formal disposition by the State Board of any pending petition will be taken at a regularly or specially scheduled State Board meeting. At the meeting the State Board may invite comments on the matter from interested persons. These comments shall be based solely upon evidence contained in the record or legal argument.

No new evidence shall be submitted at the State Board meeting. Written arguments submitted after the workshop meeting shall be limited to revisions to the proposed order that was considered by the State Board at the workshop meeting. Such written arguments shall be filed at least two working days prior to the State Board meeting, unless otherwise specified by the State Board.

Authority: Section 1058, Water Code.

Reference: Section 13627, Water Code.

### § 3716. Appeal of Division Processing Times.

~~(a) The Office of Operator Certification shall process applications for examination and certification within the time limits prescribed by this chapter. Persons whose applications for examination or certification have not been processed within the time limits prescribed by these regulations, may appeal to the board for a refund of fees in accordance with the provisions of Section 3711. If the board finds that the time limits have not been met, and the Office of Operator Certification has not shown good cause why the time limits have not been met, the board shall direct the Office of Operator Certification to reimburse all fees paid by the appellant in connection with the pending application for examination or certification.~~

~~(b) The Office of Operator Certification shall have good cause for exceeding the time limits when:~~

- ~~(1) the number of applications to be processed exceeds by 15 percent the number processed in the same calendar quarter of the preceding year.~~

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~~(2) the Office of Operator Certification must rely on another public or private entity for all or part of the processing and delay is caused by the other entity.~~

~~(3) the delay is caused by a delay or omission of the applicant.~~

Authority: Section 1058, Water Code.

Reference: Sections 13627 and 13628, Water Code; and Sections 15374-15378, Government Code.

## Article 89. Fees

### § 3717. Operator and Operator-In-Training Fees.

(a) Except as provided by Section 3716, application for examination fees that are refundable pursuant to section 3700(e), all fees are nonrefundable.

~~(a) Application fee for certification as an operator-in-training:~~

~~Grade I: \$ 95~~

~~Grade II: 130~~

~~Grade III: 170~~

~~Grade IV: 190~~

~~Grade V: 190~~

~~(b) Application fees for an examination are:~~

~~Grade I: \$40-\$70~~

~~Grade II: 50-\$90~~

~~Grade III: 70-\$130~~

~~Grade IV: 80-\$140~~

~~Grade V: 80-\$140~~

~~(c) Examination fees are:~~

~~Grade I: \$40-\$70~~

~~Grade II: 50-\$90~~

~~Grade III: 125-\$220~~

~~Grade IV: 170-\$300~~

~~Grade V: 170-\$300~~

~~(d) Operator and operator-in-training certification fees are:~~

~~Grade I: \$95-\$170~~

~~Grade II: 130-\$230~~

~~Grade III: 170-\$300~~

~~Grade IV: 190-\$340~~

~~Grade V: 190-\$340~~



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(e) Operator and operator-in-training certification renewal fees are:

Grade I:	<del>\$95</del> <u>\$170</u>
Grade II:	<del>130</del> <u>\$230</u>
Grade III:	<del>170</del> <u>\$300</u>
Grade IV:	<del>190</del> <u>\$340</u>
Grade V:	<del>190</del> <u>\$340</u>

(f) ~~Reinstatement fee~~–The reinstatement fee for all grades levels is ~~\$50~~ \$100.

(g) ~~Replacement fee~~–The fee for replacing a lost, stolen, damaged, or destroyed certificate is ~~\$20~~ \$50.

(h) ~~Reciprocal fee~~–~~In addition to the application and certification fees, applicants for reciprocal certification shall pay a fee of \$50 to cover the cost of verifying and evaluating out-of-state experience and reviewing out-of-state examinations~~  
Applicants for an examination waiver shall pay an examination waiver fee of \$100 in addition to the certification fee.

Authority: Sections 1058 and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### Article 910. Advisory Committee

#### § 3718. Advisory Committee Membership and Responsibilities.

~~(a) The advisory committee appointed pursuant to Section 13631 of the Water Code shall consist of nine members. The members of the committee in office on January 1, 1992 shall continue as members of the advisory committee, and their terms shall expire as follows:~~

~~1) On June 30, 1992, one representative from a statewide organization representing local sanitation agencies; one representative from a statewide organization representing wastewater treatment plant operators and supervisors; one representative from a university or state college; and, one representative from an organized labor union which represents wastewater treatment plant operators.~~

~~2) On June 30, 1994, the remaining five members whose terms are scheduled to expire on June 30, 1993.~~

(a) The State Board shall appoint an advisory committee of nine members to assist it in carrying out its responsibilities under this chapter. The committee shall consist of:

(1) two operators who are employed at a wastewater treatment plant and who are members of a statewide organization representing operators;

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- (2) two individuals from statewide organizations representing municipalities, including counties or private utility wastewater treatment plants;
  - (3) two individuals from statewide organizations representing local sanitation agencies, other than agencies specified in (2) above;
  - (4) one professional engineer specializing in sanitary engineering;
  - (5) one individual from a university or a state university school or division of engineering; and
  - (6) one member of an organized labor union that represents operators.
- (b) ~~Thereafter, all members~~ Members of the advisory committee shall serve for a period of four years at which time they shall be eligible for reappointment.
- (c) The committee shall meet when necessary to review ~~all proposed regulations and make recommendations to the board~~ State Board prior to adoption of any regulations or changes therein and approve any course for operator training regarding all proposed regulations and to assist the State Board in carrying out its responsibilities under this chapter.

Authority: Sections 1058 and 13631, Water Code.

Reference: Sections 13631, 13632, and 13633, Water Code.

### **Article ~~10~~11. Wastewater Treatment Plant Contract Operators**

#### **§ 3719. Contract Operator Registration Requirement.**

~~No person or entity shall enter a contract to operate a wastewater treatment plant unless that person or entity has been registered by the division as a contract operator. The registration authorizes the contract operator to operate one or more wastewater treatment plants. All wastewater treatment plant operators employed by the contract operator must be certified according to the provisions of this chapter.~~

Within 30 days after entering into a contract to operate a wastewater treatment plant, a contract operator must submit an application for contract operator registration with the State Board. The contract operator must obtain a contract operator credential for each wastewater treatment plant that the contract operator operates. All operators employed by the contract operator shall be certified according to the provisions of this chapter.

Authority: Sections ~~1058 and 13627.3~~, Water Code.

Reference: Section ~~13627.2~~13627.3, Water Code.

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## § 3719.103719.1. Term of Contract Operator Registration.

~~Contract~~ A contract operator registrations shall be valid for one year from the ~~date of~~ issue date.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~13627.3, Water Code.

## § 3719.113719.2. Application for Contract Operator Registration.

(a) ~~Application Content~~—An application for a contract operator registration as ~~a contract~~ operator shall include but not be limited to:

- (1) the applicant's name, street address, mailing and business addresses, and telephone number ~~of the person or entity contracting to operate the wastewater treatment plant(s);~~
- (2) the name, address, and telephone number, ~~if known, of the wastewater treatment plant(s) to be operated and the duration of each contract~~ of the owner of each wastewater treatment plant under contract;
- (3) the name, ~~and grade of each wastewater treatment plant operator employed at the plant(s)~~ business address, and telephone number of each wastewater treatment plant to be operated; the name of the chief plant operator(s); the name of the Regional Board overseeing each wastewater treatment plant; and the duration of each contract;
- (4) the name and grade level ~~of the chief plant operator for each wastewater treatment plant to be operated~~ each wastewater treatment plant operator employed at the wastewater treatment plant(s);
- (5) the original signature of the person authorized by the contract operator to enter sign the contract(s);
- (6) a signed statement by the applicant regarding whether he or she has ever: had a certification or registration issued by a certifying body revoked or suspended; been otherwise disciplined, had administrative civil liability imposed upon him or her, or known that he or she is under investigation by a certifying body; or had civil or criminal liability imposed upon him or her for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant; and

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(67) the registration fee as prescribed by in section ~~3719.19~~ 3719.15.

~~(b) Application submittal – For persons operating wastewater treatment plants on or before the effective date of these regulations, applications for registration shall be postmarked within 60 calendar days after the effective date of the regulations. If a contract to operate a wastewater treatment plant is entered into after the effective date of these regulations and the contract operator is not already registered, the application for registration shall be submitted and the registration issued before contract operations begin.~~

~~(cb) Division review of application and notice to applicant – The division Office of Operator Certification shall review applications the application for registration and within 30 days of receipt of the application shall notify the applicants in writing within 30 calendar days of receipt whether the application is complete or deficient. If there is a deficiency, the division Office of Operator Certification shall inform the applicant by telephone or letter in writing of the specific information required to complete the application.~~

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~13627.2~~ 13627.3, Water Code.

### ~~§ 3719.12~~ 3719.3. Issuance/Content of Certificate of Registration Issuance of Contract Operator Registration and Contract Operator Credential.

~~(a) Content of certificate of registration – The certificate of contract operator registration issued by the division Office of Operator Certification shall be in the form of a wall certificate and shall contain but not be limited to:~~

~~(1) the applicant's name, business address, and registration number;~~

~~(2) the issue and expiration dates of the registration;~~

~~(3) the State Water Board seal; AND;~~

~~(4) the name, “State Water Resources Control Board,” and~~

~~(45) the signature of a State Water Board member or member-designee.~~

~~(b) Issuance of certificate of registration – Unless otherwise specified Except as provided in subsection subdivision (c), within 30 calendar days of receipt of a complete and approved application for registration, the division Office of Operator Certification shall issue a contract operator certificate of registration to the contract operator. The division Office of Operator Certification also shall also issue one wall certificate to the contract operator credential to the contract operator for each wastewater treatment plant operated. The certificate contract operator credential~~

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shall include the name of the wastewater treatment plant to be operated in addition to the ~~items in subsection~~ information required in subdivision (a), (1) through (4) above. ~~Certificates~~ Contract operator registrations and contract operator credentials are ~~not transferrable~~ nontransferable.

- (c) ~~Refusal to issue a certificate of registration~~ – The division Office of Operator Certification may refuse to issue a ~~certificate of contract operator~~ registration if it has ~~determined~~ determines that the applicant has committed ~~any act which is grounds~~ for disciplinary action as specified in section 3710 of Article 7 or section 3719.17 of this article any act in violation of this chapter.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~ 13627.3, Water Code.

### § 3719.133719.4. Renewal of Contract Operator Registration.

- (a) ~~Division notice of renewal date~~ – At least 60 calendar days prior to ~~before~~ the expiration of a contract operator registration, the division Office of Operator Certification shall ~~provide~~ send a written notification of the expiration date to the ~~registration holder~~ contract operator at his or her mailing address of record. Failure to receive a notice of renewal does not relieve the ~~registration holder~~ contract operator from the responsibility of renewing a ~~his or her~~ registration on or before the expiration date.
- (b) ~~Content of renewal application~~ – An application for renewal of a contract operator registration shall include, ~~but not be limited to~~:
- (1) the contract operator's name, mailing and business address ~~addresses~~, telephone number, and registration number ~~of the person or entity contracting to operate the wastewater treatment plant(s);~~
  - (2) the name, address, and telephone number of ~~all wastewater treatment plants operated and the duration of each contract~~ each owner contracting with the contract operator;
  - (3) for each wastewater treatment plant operated, the name, business address, and telephone number of the plant, the name of the chief plant operator, the name of the Regional Board overseeing the plant, and the duration of each contract;
  - (34) the name and grade level of each wastewater treatment plant operator employed at the plant(s);
  - (4) ~~the name and grade of the chief plant operator for each wastewater treatment plant to be operated;~~

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- (5) the original signature of the person authorized by the contract operator to enter sign the contract(s); ~~AND and~~
- (6) the renewal fee as prescribed in section ~~3719.19~~ 3719.15.
- (c) ~~Renewal application submittal~~—A ~~registration holder~~ contract operator who wishes to renew a contract operator registration shall submit to the ~~division~~ Office of Operator Certification a completed application as specified in ~~subsection subdivision~~ (b). The application for renewal shall be ~~postmarked received~~ no later than 30 calendar days before the expiration of the registration. If the application for renewal is ~~postmarked later received less~~ than 30 calendar days before expiration, the contract operator shall pay a late fee in an amount prescribed by ~~in~~ section ~~3719.19~~ 3719.15.
- (d) ~~Division review of renewal application and notice to applicant~~—The ~~division~~ Office of Operator Certification shall review the renewal application and shall notify the ~~registration holder~~ contract operator within 30 calendar days whether the application is complete or deficient. If there is a deficiency, the ~~division~~ Office of Operator Certification shall inform the ~~registration holder~~ contract operator ~~by telephone or letter in writing~~ of the specific information necessary to complete the application for renewal.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~ 13627.3, Water Code.

### § ~~3719.14~~3719.5. Issuance/Content of Renewed Certification of Registration Issuance of Renewed Contract Operator Registration and Registered Contract Operator Credential.

- (a) ~~Content of renewed certificate of registration~~—A renewed contract operator registration shall ~~be in the form of a wall certificate and shall contain, but not be limited to include:~~
- (1) the ~~registration holder's~~ contract operator's name, business address, and registration number;
  - (2) the ~~original issue date~~ of the initial registration and ~~next~~ expiration date of the renewal registration;
  - (3) the State ~~Water~~ Board seal;
  - (4) the name, “State Water Resources Control Board;” and
  - (45) the signature of a State ~~Water~~ Board member or ~~member~~ designee.

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- (b) ~~Issuance of renewed certificate of registration~~—Within 30 calendar days of the receipt of a complete and approved renewal application, the ~~division~~ Office of Operator Certification shall issue a ~~certificate of contract operator~~ registration or inform the applicant of the reason the ~~certificate registration~~ will not be issued. The ~~division~~ Office of Operator Certification shall also issue one ~~will~~ certificate to the contract operator credential to the contract operator for each wastewater treatment plant operated. The ~~certificate credential~~ shall include the name of the wastewater treatment plant operated in addition to the requirements in ~~subsection subdivision~~ (a)(1) through (4) above for a renewed contract operator registration. Contract operator registrations and contract operator credentials are nontransferable.
- (c) ~~Refusal to renew registration~~—The registration shall not be renewed until any unpaid fees or fines have been paid. The ~~division~~ Office of Operator Certification may refuse to renew a contract operator registration if it ~~has determined~~ determines that the applicant has operated a wastewater treatment plant ~~while the~~ with an expired contract operator registration ~~was expired or has committed any other act which is grounds for disciplinary action pursuant to section 3710 of Article 7 or section 3719.17 of this article in violation of this chapter.~~

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~13627.2~~ 13627.3, Water Code.

### § 3719.6. Application for an Additional Contract Operator Credential.

- (a) Within 30 days after entering into a contract to operate a wastewater treatment plant not included in the original application, a contract operator shall submit an application to the Office of Operator Certification requesting an additional contract operator credential. The application shall include the following:
- (1) the contract operator's name, mailing and business addresses, telephone number, and registration number;
  - (2) the name, address, telephone number, and registration number of the owner of the wastewater treatment plant;
  - (3) the name, address, telephone number, and chief plant operator of the wastewater treatment plant, the Regional Board overseeing the wastewater treatment plant, and the duration of the contract;
  - (4) the names and grade levels of all wastewater treatment plant operators employed at the plant;
  - (5) the original signature of the person authorized by the contract operator to enter the contract; and

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(6) the fee for issuing a new contract operator credential as prescribed in section 3719.15.

(b) Within 30 days of receipt of an application for an additional contract operator credential, the Office of Operator Certification shall issue a contract operator credential in accordance with section 3719.3.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

### § 3719.153719.7. Replacement of Certificate of Contract Operator Registration or Contract Operator Credential.

~~A certificate of registration which has been lost, stolen, or destroyed may be replaced by the division. The replacement fee as prescribed by section 3719.19 must be submitted with a request for replacement.~~

A lost, stolen, damaged, or destroyed contract operator registration or contract operator credential may be replaced by the Office of Operator Certification if the registration or credential holder signs and submits a statement explaining the circumstances of the loss, theft, damage, or destruction of the registration or credential and submits the replacement fee prescribed in section 3719.15.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~13627.3, Water Code.

### § 3719.8. Unpaid Fees and Administrative Civil Liability.

The Office of Operator Certification shall not issue, renew, or replace a contract operator registration or contract operator credential if the contract operator has not paid all fees and administrative civil liability owed to the State Board.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

### § 3719.163719.9. Posting the Certificate of Registration-Contract Operator Credential.

~~A valid, unexpired certificate of registration-contract operator credential shall be displayed and clearly visible in an area accessible to the public at each wastewater treatment plant where the registration holder-contract operator has a contract to provide services. If no area is accessible to the public, the contract operator credential shall be posted in an accessible area at the wastewater treatment plant owner's headquarters.~~



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Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~13627.3, Water Code.

## § 3719.10. Reporting Requirements for Contract Operators.

(a) A contract operator shall notify the Office of Operator Certification in writing within 30 days of any final disciplinary action by the contract operator against an operator or operator-in-training. Disciplinary action includes reprimanding or placing on probation an operator or operator-in-training, or suspending, demoting, or discharging an operator or operator-in-training for performing, or allowing or causing another to perform, any act in violation of this chapter. The notice shall include the name and certificate number of the operator or operator-in-training, the specific violations, and the disciplinary action taken by the contract operator.

(1) Except as provided in (2) below, a notice regarding final disciplinary action received from a contract operator shall be retained in State Board files for three years.

(2) If the State Board imposes administrative civil liability as set forth in section 3709 or takes disciplinary action pursuant to section 3710 in response to the conduct which is the basis for the notice, then the notice shall remain in State Board files for 10 years.

(b) A contract operator shall notify the Office of Operator Certification within 30 days of the date a certifying body or court takes final action: to discipline the contract operator; to impose administrative civil liability; or to impose civil or criminal liability for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code

## § 3719.11. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivision (b) or (c) may be imposed administratively in accordance with article 2.5 (commencing with section 13323) of chapter 5 of division 7 of the Water Code.

(b) The State Board may impose administrative civil liability in an amount not to exceed \$5,000 for each violation upon any person for any of the following acts:

(1) failing to use reasonable care in the management or operation of the wastewater

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treatment plant;

(2) willfully or negligently causing or allowing a violation of waste discharge requirements; or

(3) submitting false or misleading information to the State Board on an application for a registration.

(c) The State Board may impose administrative civil liability in an amount not to exceed \$1,000 for each day of the violation upon any person for failure to comply with section 3719.

Authority: Section 13627.3, Water Code

Reference: Sections 13323, 13627.3, and 13627.4, Water Code

### § 3719.173719.12. Prohibited Acts and Grounds for Disciplinary Action.

Grounds for discipline—The State Water Board may refuse to grant, or may suspend or revoke, ~~any a~~ registration for good cause, including, ~~but not limited to~~ any of the following reasons:

(a) ~~willfully or negligently violating, causing, or allowing the a violation of Articles 1 through 10 of Chapter 26~~ willfully or negligently violating, causing, or allowing a violation of this chapter;

(b) ~~without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the a grade level necessary for the position or whose certificate has expired;~~

(c) ~~except as provided in (1) or (2) below, operating a wastewater treatment plant without a valid, and current unexpired registration;~~

(1) It has been no more than 30 days after the contract operator entered a contract to operate a wastewater treatment plant; or

(2) The contract operator submitted an application for contract operator registration with the State Water Board within 30 days of entering into a contract to operate a wastewater treatment plant and the Office of Operator Certification has not yet taken action on that application.

(d) except as provided in (1) or (2) below, operating a wastewater treatment plant without a valid, unexpired contract operator credential;

(1) It has been no more than 30 days after the contract operator entered a contract to operate the wastewater treatment plant; or

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- (2) The contract operator submitted an application for contract operator registration or an application for an additional contract operator credential with the State Water Board within 30 days of entering into a contract to operate the wastewater treatment plant and the Office of Operator Certification has not yet taken action on that application.
- (~~de~~) submitting false or misleading information on any document provided to ~~the~~ State Board staff including applications for registration or registration renewal, or providing false or misleading information to State Board staff during an investigation of a possible violation of this chapter;
- (~~ef~~) using fraud or deception in the course of contracting to operate a wastewater treatment plant, including, ~~but not limited to,~~ submitting false or misleading documents to the owner(s) of the wastewater treatment plant under contract;
- (~~fg~~) failing to use reasonable care or good judgment while operating a wastewater treatment plant;
- (~~gh~~) willfully or negligently causing or ~~violating or allowing the a~~ violation of appropriate waste discharge requirements ~~as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit.~~
- (i) failing to notify, as required by section 3719.10(b), the Office of Operator Certification within 30 days of the date that a certifying body or court takes one of the following final actions: discipline by a certifying body; imposition of administrative civil liability; or imposition of civil or criminal liability for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant;
- (j) without regard to intent or negligence, allowing the operation of a wastewater treatment plant by a person who has not posted his or her operator or operator-in-training certificate as required by section 3703 or failing to post the contract operator credential as required by section 3719.9; or
- (k) committing any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a wastewater treatment plant and the act would be good cause for a disciplinary action pursuant to this chapter if associated with performing duties at a wastewater treatment plant.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~13627.3, Water Code.

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### § ~~3719.18~~3719.13. Appeals of Discretionary Decisions made by the Office of Operator Certification.

(a) ~~Applicants~~ An applicant or contract operator registration holders may appeal discretionary decisions made by the Office of Operator Certification or Office of Enforcement regarding denial of an application for registration, or registration renewal, or disciplinary action taken.

(b) Appeals shall be processed in accordance with the provisions of sections ~~3711 and 3712~~3711.1 through 3716 of Article ~~article~~ 78.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section ~~43627.2~~13627.3, Water Code.

### § 3719.14. Requests for Reconsideration of Proposed Disciplinary Action Letters.

(a) An applicant or contract operator may request that the Director of the Office of Enforcement reconsider a disciplinary action taken by the Office of Enforcement.

(b) Requests for reconsideration shall be processed in accordance with the provisions of sections 3712 and 3712.1 of article 8.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

### § 3719.15. Petitions.

(a) An applicant or contract operator may petition the State Board for review of a Final Division Decision or a Final Office of Enforcement Decision.

(b) Petitions shall be processed in accordance with the provisions of sections 3711.2, 3712.2, and 3713 through 3716 of article 8.

Authority: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

### § ~~3719.19~~3719.15. Wastewater Treatment Plant Contract Operator Registration Fees.

Contract operator fees are as follows:

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- (a) ~~Initial Registration Fee~~–The initial contract operator registration fee is ~~\$100~~ \$350. For each operator employed in California by the contract operator, in California, the contract operator shall pay a fee of \$25 \$75 ~~shall also be paid by the contract operator up to a maximum of \$500~~ \$1500 in combined contract operator registration fees and employee registration fees.
- (b) ~~Renewal Fee~~–The annual renewal fee is ~~\$100~~ \$350 plus ~~\$25~~ \$75 for each person employed in California by the contract operator in California up to a maximum of ~~\$500~~ \$1500 in combined contract operator registration renewal fees and employee registration fees.
- (c) ~~Late fee~~–~~Each contract operator who fails to have a renewal application postmarked at least 30 days before expiration shall pay a late fee of \$50 in addition to the renewal fee.~~ If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the contract operator registration, the contract operator shall pay a late fee of \$100 in addition to the renewal fee.
- (d) ~~Replacement Fee~~–The fee for replacing a lost, stolen, damaged, or destroyed certificates is ~~\$30~~ contract operator registration or contract operator credential or for issuing an additional contract operator credential pursuant to section 3719.6 is \$50.

Authority: Sections 1058 and ~~43627.2~~ 13627.3, Water Code.

Reference: Section ~~43627.2~~ 13627.3, Water Code.